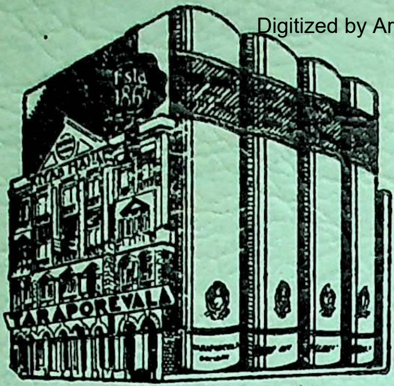
LANDLORDISM IN INDIA

DATTA

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LANDLORDISM IN INDIA

BY

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LANDLORDISM IN INDIA

INTRODUCTION

It is surprising to think that the land of the Indian peasantry, who form 80 to 90 P. C. of the population, so that Mr. Hamilton could with great truth say, "The Rayat is India, and India is the Rayat," it is most surprising to think that the land of the Indian peasantry should have been wrongfully and surreptitiously confiscated against the provisions of Pitt's India Act of 1784, without any notice being taken, for nearly a century and a half, by the British Parliament,—first Zemindari and then Government Estates being fabricated against "the Laws and Constitution of India," and not a voice of protest heard either here in India, or there in England. There is no earthly reason for it, but that the Indian peasantry are uncomplaining fatalists. The result is the ruin of agriculture and of the agriculturists, in a country euphemistically, if not ironically, called *agricultural.* Yes, we call it a wrongful confiscation, and

not without authority. The Board of Commissioners of Bihar and Orissa write in their Report in 1818: "It is almost superfluous to observe that in the discussions prior to the decennial settlement, it was allowed that the Ryots had vested rights in the lands and the revenue authorities were specially enjoined to secure them in them." And the Court of Directors held: "The annulment of all those rights, therefore, is, or would be, the most extensive act of confiscation that ever was perpetrated in any country." (Field—Land-holding, P. 652). The situation in India today is that it would be true to call India, the veritable graveyard of agriculture. Dr. Voelcker has pointed out in his Report that while the average yield of wheat in England is 28 bushels per acre, it is only 10 bushels per acre in India—one bushel of wheat weighing 61 lbs. (Report P. 40, 41): in other words the English soil, having retained its normal fertility, produces three times as much as the Indian soil which has lost its normal fertility for want of recuperation.

India from time immemorial both under Hindu and under Muslim Rule enjoyed peasant-proprietor-

ship—that which is admitted to be the goal of the civilised world to-day. Says Dr. Rhys Davids :—"The rural economy of India at the coming of Buddhism was based chiefly on a system of village communities of landowners, or what in Europe is known as peasant-proprietorship." In Hindu times the State may be said to have existed solely for the success of agriculture, having had one common goal, the success of agriculture. Even their sacred rituals had that for their goal. In the *Krishna Yajur Vediya Taittiriya Brahmana,* the sacrificial horse is addressed "Krishyaitva" (3-8-3-6), "Thee for success in agriculture". In the Sukla Yajurveda (Bajasanyi Samhita) the king is flatly told at his coronation, *"Iyam terat, Krishyaitva"* (9-22), "This is thy Kingdom, we crown thee King for success in agriculture". The great Mimansa Philosopher *Jaimini,* often discussing thread-bare what was and what was not the King's property, concludes with the aphorism :—"The land is not a subject of gift by the King, for as regards its proprietorship, all men stand in the same position"—*"Na bhumih syat sarvam pratya vishishtatvat"* (6-7-3). Com-

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menting on this, Savara Swami observes :—"The kind of possession whereby the King exercises his control over the earth,—other people also do likewise ; there is no difference so far as that goes. Being the King this alone is his special privilege, that because he protects paddy and other things, which grow on the land,—he is owner of a reasonable proportion of the produce but he does not own the land"—*Sarva bhaumatve' sya tvetadadhikam, yat asau prithivyam sambhutanam brihyadinam rakshanena nirvishtasya kasyachid bhagasya ishte, na bhumeh"* (6-7-3). Sayana, commenting on the text of the *Krishna Yajurvediya Taittiriya Brahmana,* "The King should perform the sacrifice (Visvajit) giving away all his property" (1-4-7-7), says : "The land is not the property of the King,—the land of the country cannot be given away." Indeed it is the glory of the system of land-holding in Hindu India that the State and the cultivator stand as help-mates to each other, co-operating with each other in right earnest in maintaining the plough-cattle in health, and in maintaining the soil fertility, necessary for obtaining from the soil its maximum

yield of food for the people. The Islamic ideal of land-holding too, is given by Sadi in those famous lines : *"Raiyat chun be khand wa Sultan darakht"* i. e. "The Raiyat is the sap-supplying root of the tree, the king", and followed the Hindu line of peasant-proprietorship. The Ayeen Akbary thus records the same fact : "In former times the Monarchs of Hindustan exacted a sixth of the produce of the lands" as "Tribute and taxes," and not as "rent." "One-third part of the medium produce of *Pozle* land (i. e. land cultivated for every harvest) is the revenue settled by His Majesty" (A. A. 238, 244). And how was the land-tax (called Vali) which the State realised from the peasantry spent in Hindu India? Not surely by spending three-fourths of it in the maintenance of an army. As the poet *Kalidasa* puts it : *"Prajanameva bhutyartham sa tebhyo valima grahit, Sahasra gunamutsrashtumada tte hi rasamralih,"* "He (the King) took the vali or land-tax from the peasantry, only to spend it for the good of the peasantry, even as the sun sucks up moisture from the soil, only to return it a thousand-fold". What was the result? The Ramayana tells

us: *"Dhanavantah sura-kshitah serate vivritad-varah krishigoraksha jivinah"*, "The wealthy cultivators and cattle breeders, well protected by the King, slept with the doors of their houses left wide open". And Megasthenes, whose honesty there can be no earthly reason to impeach, himself testifies that during the reign of Chandragupta in the fifth century B. C.—"Famine never visited India." To-day agriculture is looked down upon as an employment fit only for the lower classes—"The depressed classes", or the "untouchables". But we read even in the Ayeen Akbary that even under Muslim rule, "The advancement of agriculture was universally agreed upon as the second of the noblest employments," next only to the "reformation of the manners of the people" (A. A. 2.).

What became of this glorious peasant-proprietorship which the ryots of India enjoyed from time immemorial both under Hindu and under Muslim rule? What became of it under British rule? We invite the attention of the public to the extract from the "Elementary Analysis of the Laws and Regulations," (Honourable Company's press, 1814, 1815,

Vol. II, P. 50) quoted in full in the chapter on the "Aftermath of Pitt's India Act of 1784", and, reading between the lines, they will have no difficulty in discovering the answer: "One of the principal objects of the 39th section of the act passed in the year 1784," etc., "is to settle *according to the laws and constitution of India* the permanent rules by which their tributes" etc., "shall be in future paid to the Company by the ryots, Zemindars and other native land-holders", and what they paid to the State is here called "tributes", as in the Ayeen Akbary, and yet for practical purposes Lord Cornwallis completely ignored the ryots. Without one word to say about the "real jurisdiction, rights and privileges" of the ryots "according to the laws and constitution of India," though the ryot is given the first place in Pitt's Act, Cornwallis rushes on to determine them for the Zemindar, though the Ayeen Akbary calls the Zemindar a mere "Collector of the royal or Jageer lands," and the Glossary to the fifth report of the East India Company (1813) calls the Zemindar—"an Officer who, under the Mahommedan Government, was charged with the superintend-

ence of the laws of a district, financially considered''. Lord Cornwallis not only completely ignores ''the ryot'' in spite of Pitt's Act, but worse still he caused ''The disappearance of the only written evidence of the rights of the cultivators of the soil'', (Field's Land-holding, P. 592) by abolishing the offices of Kanungos and Patwaris, whom the Ayeen Akbary calls ''the protector of the husbandman'' and ''paid by Government'' (A. A. 247). Not only was ''the ryot'' completely ignored as a ''native land-holder'' by Cornwallis, but what is more horrid still we find Pitt's Act itself subsequently tampered with by the removal of the name of ''the Ryot'' from the Act and the substitution for it of, what is absolutely irrelevent, ''The rajas,'' never again occurring in any of the Regulations of the East India Company. And in later publications, in place of ''The Ryots, Zemindars, polygars, talookdars and other native land-holders'' given in Pitt's Act, we read in the Cambridge History of India ''The rajas, Zemindars and other native land-holders'' (Vol. V, P. 430). The same garbled misrepresentation of Pitt's Act is seen in Justice Field's ''Land-hold-

ing'' :—''the rajas, Zemindars, polygars, talukdars and other native land-holders'' (P. 487). Thus was the ryot who has the first place among ''native land-holders'' in Pitt's India Act, thrown completely overboard not by fair means but by foul : thus it happens that the Company's Government proceeds to ascertain, as correctly as the nature of the subject will admit, what are the real ''jurisdictions, rights and privileges of Zemindars'' (A. L. R. II 50), ignoring altogether the ''rights and privileges of the Ryots,'' though they are given the first place in Pitt's Act as ''native land-holders'', and at last completing the case against the ''ryot'' by destroying ''the only written evidence of the rights of the cultivators of the soil'' (Filed 591-92) that then existed, by abolishing the offices of the Kanungos in which were placed the records of the rights and privileges of the ryots.

Though the East India Company ''had thus, accidentally as it were, become rulers'', says Ransome, ''the object of the East India Company was still to make money''(369). And we read in the proceedings of the Committee of Circuit 28th July, 1772, ''The Revenue is beyond all question the first

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object of Government." Money cannot be made but by dishonest and fraudulent means. As regards land-holding "the Laws and Constitution of India" may be said to be summed up in : (1) Peasant-proprietorship and (2) Land-tax to be realised in kind, as a share of the actual produce. For the East India Company to be bound by either of them, would be to commit suicide. Their sole object was to supply cash for "the Company's dividend". How could they follow the universally admitted Mogul principle of taxation, "the division of the actual produce between the sovereign and the immediate cultivator of the soil"? (Shore's Minute of 18th June, 1789, A. L. R. Vol. II, P. 271). How could they make money, if they recognised the Hindu-Muslim principle of *"sthanuchedasya Kedaram,"* "The field is the property of the man who first brings it under cultivation"? Away must go "the laws and constitution of India", Pitt's India Act of 1784 notwithstanding; and on 13th October 1772, "the lands were farmed out by public auction" for five years with "speculating unprincipled adventurers". "The Gambling instinct, the desire for power, etc., all

powerfully contributed to raise the bidding beyond the value of the revenue." "The increase of revenue expected from that quinquennial settlement was not realised ; the farmers having engaged for a higher revenue than the districts could afford" (A. L. E. II, 21)—though the "confinement of Zemindars and farmers was freely used" (C. H. I., V, 417)—for non-payment of arrears.

For their very life, therefore, the dividend-grabbing merchant company could not be bound by "the laws and Constitution of India", "the ancient law of the country", Pitt's India Act notwithstanding ; they could not be bound by the Hindu principles of "*Na rajno bhumir dhanam,*" "the soil is not the property of the King", or the Mogul principle of taxation, "the division of the actual produce between the sovereign and the cultivator of the soil," to which Pitt's India Act bound down the East India Company. "The abominable tyranny", the "lust of arbitrary power in place of acts of Parliament", with which Burke charged Hastings, had to continue for the very life of the East India Company under the successors of Hastings after he was gone. Did not

the successors of Hastings too deserve, as much as he, to be impeached for "high crimes and misdemeanours in their Government of India"? The East India Company panted after ready money for their dividends. What could grain do for them, with or without Pitt's India Act? What though Pitt's India Act gave the first place to the ryots as "native land-holders"? For the very life of the Company then the ryots' proprietorship of their lands must be confiscated, and the revenue screwed up, and violently kept up by annual public auction to the highest bidder, and farming leases granted to profiteering adventurers. What is it to the Merchant Company if they thereby reduce, as by a stroke of the pen, the "Ryots", "the native land-holders" of Pitt's Act, to mere serfs, handing them over, bound hand and foot by the most blood-curdling Regulations,* to the tender mercies of a few cruel, rapacious Zemindars? What do the Merchant Company care if a third of the people of Bengal perish by the famine of 1770? Fraudulent dealings for pur-

*Regulation 17 of 1793; Regulation VII of 1799; Regulation V of 1812.

poses of gain are not an uncommon thing in this world, and we find the ryots' name removed from Pitt's India Act, and the name "rajas", though irrelevant, substituted in its place. That, then, is, in short, the origin of landlordism in India. The peasantry of Bengal, Bihar and Orissa were deprived of the proprietorship of their lands and their time-honoured right to pay the land tax as a fixed share of the actual produce, the Zemindars or revenue collectors of the Muslim Government being dubbed the actual proprietors of the peasants' lands, without the slightest foundation in truth. The Cambridge History of India says : "In 1786, Bengal contained all the pieces that were to form the administrative mosaic of British India" (V. 440), and we find in 1798 the Governor-General, Lord Wellesley, ordering the Madras Government to introduce the Zemindari system of Bengal in Madras though there were no Zemindars in Madras. The attempt proved a failure. And what followed? In other parts of India the Government stepped into the shoes of the Zemindars of Bengal as proprietors of the peasants' lands under the misnomer of a so-called "*ryotwari*

system''. The Zemindar of Bengal was kicked off as an unnecessary ladder. That is how British India stands to-day,—peasant-proprietorship and payment of land-tax as a share of the actual produce, according to ''the laws and constitution of India'', which Pitt's India Act of 1784, which still stands unrepealed, bound down the British Government for all time to come, being wiped completely off the Statute book of the British Government, the fatal result being that famine is chronic to-day all over British India.

It cannot be said that the British Government has not now realised their mistake considering the deplorable results that have followed this confiscation of the peasants' proprietorship of their arable land ; for we find that in 1889 they brought out, on Commission to India, Dr. Voelcker, Consulting Chemist to the Royal Agricultural Society of England, to report on the improvement of Indian Agriculture. Dr. Voelcker submitted his report in March 1893. No one can have any earthly ground for charging Voelcker with partiality for the Indian peasantry. We therefore place a few extracts from his Report before the public of India, and of England, so that the

gravity of the present situation may be fully realised by the authorities here and in England :—Dr. Voelcker shows that the average yield of wheat is only 10 bushels per acre in India, while it is 28 bushels per acre in the United Kingdom (40, 41), and goes on to observe, after the most elaborate enquiry all over India : "The conviction has forced itself upon me that taking everything together, and more specially considering the conditions under which Indian crops are grown, they are wonderfully good. At his best the Indian Ryot or cultivator is quite as good as, and in some respects the superior of, the average British farmer, whilst at his worst, it can only be said that this state is brought about largely by an absence of facilities for improvement which is probably unequalled in any other country, and that the ryot will struggle patiently and uncomplainingly in the face of difficulties in a way that no one else would" (11). "A country which exports both crops and manure must be declining in fertility. Very little finds its way back to the soil" (39). Speaking of the *Taccavi* loans of the British Government, Voelcker says :—"Intermediaries require

to be fed. The delays are long, and enquiries put off. The advance comes too late to be of any use. The minor officials require their 'palms to be greased'. The money, filtering through several hands, never comes to the cultivator to the full extent of the advance. The Government insists on punctual payment of interest and repayment of loan. The *baniya* cheats in settling his accounts" (84-86). Speaking of the Bengal Zemindar, Voelcker says :—"In parts of Bengal the landlords have no direct interest in the produce of the land so long as they get their rents." It is the same, we would add, in Government Estates. They all expect increase of rent from rise in prices, which means from diminished production. "The Ryots are too poor to do anything unaided" (87). Voelcker once asked a peasant why he did not house his cattle. The pathetic reply was : "It is hard enough to get sheds for ourselves. How shall we get them for our cattle?" (125). "Government are in the place of a landlord," says Voelcker, "and it is their duty to look after their property, and not allow it to become impoverished. The present system is one of soil-exhaustion which must end in a

decline of fertility, and of productive power. Unless this situation is faced, the Government must be prepared to see the land bringing a diminished revenue, and to find the people less able to live upon the lands'' (132). What a warning, and from one so disinterested as he! He also notices, with surprise, the ''growing decrease in the area of grazing land'' which means deterioration of the plough-cattle. In support of peasant-proprietorship Voelcker merely adds: ''the feeling of possession is one that acts as a strong incentive to agricultural improvement, and it should be fostered in every way'' (150). Regretting the small size of the holdings in India, he says: ''A large proprietor can set land apart to grass, but not a raiyat with an average holding of 2½ acres as in India (177), so that the Government is responsible to see that there is no decrease in the area of grazing land.'' Having pointed out ''the influences affecting agriculture'' such as ''the indebtedness of cultivators, the want of Capital in agriculture, and the sub-division of land'' (289), Voelcker says: ''Indian agriculture requires most of all more manure, better cattle, more pasture, better seed'' (290). ''The

recklessness in litigation" on the part of the cultivator, in which our educated classes are specially interested, as it finds food for them, "also seriously affects the possibility of improving agriculture." Speaking of the ryots' indebtedness, Voelcker says : "The cultivators are too deeply in the hands of the money-lender who advances seed at 25 p. c. for six months. A crop is often mortgaged before it is grown. For what they require in litigation, the raiyats repair to the money-lender. So long as there is anything on which security can be given, be it crop or be it land, the *baniya* is willing to advance, and when once in his hands, it is seldom that the borrower comes out again. The accounts thus opened are rarely closed, and increase with astounding rapidity, interest being added to principal and becoming the new principal—an original debt of Rs. 120 in a few years amounting to Rs. 600. The land passes from its hereditary possessors into the hands of the money-lenders. The remedy for indebtedness is an increased general prosperity. In some districts the land belongs almost entirely to money-lenders. The tendency is to rent out the land, and to live on the proceeds" (291

to 293). Says Voelcker : "according to the census of 1881, 72 p. c. of the whole male population are directly supported by agriculture, and the estimate of the famine commissioners was that 90 p. c. of the rural population live more or less by the tillage of the soil. Agriculture is too often a medium for deriving an income off the land. There is a general impression that everything pays better, and is more dignified, than farming. The cleverest son is sent to the law, the next to Government employ, the dullest one goes to agriculture" (379). Comparing agriculture in England with agriculture in India, Voelcker goes on to say : "The history of agricultural progress in Britain shows it to have had its origin mainly in the existence of a class of land-owners who had intelligence to attempt the work of improvement by the application of the teachings of science, and also wealth to carry it through ; but the poorer tenant-farmers would never have initiated such enquiry, although they were not slow to adopt its results when they saw that it paid. The non-existence in India of any class corresponding to the *resident* English Land-owner of intelligence and wealth is a bar to the progress of original

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agricultural investigation" (And most of the big Zemindars of Bengal are non-resident, as in Ireland. D. D.). "Further the smallness of the holdings, the paucity of capital, the habits and prejudices of the people and the financial obligations of the Government are bound to impose obstacles which would not present themselves to such a degree in other countries" (313). Contrasting the effect of the present "absence of a cultivating land-owning class" in British India, Voelcker cites some English examples, such as that of the Duke of Bedford, who spends £600 to 700 a year for the support of the Woburn Experimental Farm of the Royal Agricultural Society of England, and that of Sir John Laws, who spends £3,000 annually on the maintenance of the world-known Rattamsted Experimental Farm. In England the farmers are the demonstrators, and they are the distributing medium, but it is not so in India. Contrasting the Demonstration Farms of the Indian Government, which are carried on at a heavy loss, says he, "A Demonstration Farm should be expected to pay its expenses, inasmuch as it is intended to show what is most profitable practice" (359). "The

tendency of education has been too much in a purely literary direction, and has been diverted from, than turned towards, the staple industry of the country, agriculture,—90 p. c. of the rural population living more or less by the tillage of the soil,—in spite of the general impression that everything pays better and is more dignified than farming''. And all that, in India, where, even in Muslim times, says the Ayeen Akbary, ''the advancement of agriculture was held as ''the noblest employment'' (2), next only to that of a Social Reformer like Raja Ram Mohan Roy or Keshab Chandra Sen in Bengal, and where, we read in the Ramayana, the agriculturists were ''wealthy'', ''*Dhanavantah*'' being ''well protected'' ''*surakshitah*'' by the King! Have the Government taken any serious action on the Report of Dr. Voelcker? Are not they a leviathan landlord? We would add to this, our own testimony as to what we ourselves saw sixty to seventy years ago, before landlordism, like a canker, had completed its destructive action on the blooming rose of India's rural life, by making the work of food-production a losing concern, and disreputable in the

eyes of the well-to-do middle class gentry, poisoning their minds with an unnatural passion for a do-nothing, parasitic life of a rent-grabbler or lawyer. We ourselves saw in Bengal, when we were little lads, substantial village gentlemen, taking pride in agriculture, vying with each other in the exhibition of the best plough-cattle, and the best dairy cow. Alas! Those days are gone: There is "much cry but little wool". His Excellency told the Bengal Zemindars to "see to it that their tenants have adequate housing, decent conditions of life" (14-12-26). Have our landlord Government set that example themselves in regard to their tenants? Did the Government take any representative of the peasantry, elected by the peasantry, to present their view before the Round Table Conference? The Socialist Prime Minister of to-day, in his 'Awakening of India', has himself cited Sir Charles Elliott as authority that "one-half of the agricultural population never satisfies hunger fully one years' end to another". How can they, when it is well-known that the average daily income of the peasantry to-day is only

six pice, or a penny and a half, while the average price of 1 seer or 2 lbs. of rice, which is the average food ration for the peasant, is three annas or three pence! The most deplorable of all is the fact that the Indian National Congress too, at the Gauhati Congress of 1927, amidst cries of "Shame, shame" though, declared through the President that the Congress could not commit itself either on the side of the tenants and workers or of the landlords or capitalists. Mr. Johnston, M. P. too testified that landlordism is the malady that has eaten into the vitals of our nation and demands a radical cure. Is not landlordism in India a fabric raised against "the laws and constitution of India" to which Pitt's India Act of the Parliament of George III bound down the British Government of India for all time to come? Who cares? And famine, which "never visited India", is to-day chronic in India. Is not the Indian nation to-day divided into two halves : a handful of pampered and gilded non-resident drones, rolling in luxury and who make no return to the country for what they waste in their luxuries either abroad or here in the metropolis, to form the one, and the

naked penniless, half-fed, over-worked masses, the 85 p. c. of the people, who are the sole producers of food for the people, and of the little of wealth that there is in India, to form the other half.

CHAPTER I

PEASANT-PROPRIETORSHIP IN INDIA DURING THE HINDU PERIOD.

Peasant-proprietorship, and a joint responsibility of the State and the peasantry for success in agriculture, was what Pitt's India Act of 1784 (24 Geo. III, cap. 25, Sec. 39) called "The Laws and Constitution of India"—or "the Ancient Law of the country" (Reg. XIX of 1793),—as Pitt's India Act was interpreted by the Governors-General of India, from Cornwallis to Curzon (1793 to 1905)—from time immemorial.

We will begin with the Rigveda. In the Rigveda we notice that the power to make and unmake kings, was vested in the people called *Visah*. The word *Visah*, in later times changed into *Vaishya*, was specially applied to the peasantry, for, the industries being still in their infancy, the peasantry formed almost the entire population. The *Rishi Dhruva* tells

the King to take care that the *Visah* or the peasantry desire him for their King, so that his kingdom may not slip from his hands. (Rv. x-173-1).

In that dawn of human civilization, the greatest Seers or Rishis, like *Vamadeva,* came from among the peasantry, and sang merrily : "With delight let the bullocks, with delight let the ploughmen, with delight let the ploughs cut the soil, with delight let the ropes bind, with delight ply ye the sticks" (Rv. iv-57—4, etc.). With their own hands those Seers (*"Kavayah"*) harvested their crops, yoked their oxen to the plough, and lifted up water to be stored in wells, for the use of their cattle (Rv. x-111-3, 4, 5). It is most significant that what is now miscalled *rent* was called *Vali* or offering or gift, and meant the share of the actual crop due as a land-tax from the peasantry to the Kings. Even as late as *Manusamhita* the King is called the receiver of a sixth share of the produce—(*"Valishadbhagaharinam"*—8—308). As examples of the use of the term *Vali* in the Rigveda, we would cite : "May the Divine Fire compel the people by force to bring *Vali* to *Nahusha,* the King" (Rv. 7-6-5) ; and

again : "May Indra or Rain-giver make all the people pay their *Vali* to thee alone" (Rv. 10-173-6).

Coming down to the *Brahmana* period, we notice in the *Satapatha Brahmana*, when a King had given away a piece of land to a priest, as sacrificial fee, the Earth herself protested : "and the earth said 'Let no mortal give me away' " (13-7-15). In the *Krishna Yajurvediya Taittiriya Brahmana* we see Sayana in his commentary, quoting the *Sloka Vartika,* saying "Kingship means giving protection ; the land is not the King's own property and cannot be given by him" : *"Palanasyaiva rajyatvannasvam bhurdiyate na sa"* (1-4-7).

In the Sutra period we find *Jaimini* in his aphorism saying : "The King cannot give the land, for, it is the common property of all." Savara, commenting on it, says "The King has a right to a definite proportion of the produce because of his giving protection to the crops, etc., but has no right to the land." *"Asau prithivyam sambhutanam vrihyadinam rakshanena nirvishtasya kasyachid bhagasya ishte, na bhumeh"* (6-7-3).

Coming down to the *Samhitas* we find *Manu* to

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say : "The Field is the property of the man that first brings it under cultivation" (9-44). *Gautama* speaks of *Vali* as a gift (Danam)—due to the King, because the King was bound to perform certain very onerous duties at the cost of the State, and free of cost, on the part of the people : such as (i) to settle all disputes and even to restore to all the castes, the value of all stolen property,—from the Royal Treasury, if it cannot be recovered (8-40) ; (ii) the King was bound to provide ample pastures for the cattle at the cost of the State, and free of cost for the people, the breadth of these pastures being three hundred cubits all-round each village (8-237).

As late as the time of *Chandra Gupta,* about 350 B. C., we are told in the *Kautilya Arthashastra* that the King shall make provision for pasture-grounds in uncultivable tracts ; *"Akrishyayam bhumau pashubhyo vivitani prayacchet"* (2-20), and that he was responsible for giving protection to the people from meteorological and environmental (*daivani*) visitations. "There are eight kinds of meteorological and environmental visitations : Fire (drought), Water (flood), infectious diseases, famine, rats, beasts of

prey, snakes, and cannibals; from these shall the King protect the villagers—"*Daivanyashtau mahabhayani, agni-rudakam vyadhir durbhiksham mushika Vyalah sarpa rakhansiti, tebhyo janapadam rakshet*" (4-3).

A word about famine-relief operations as prescribed in the *Kautilya Arthashastra,* which should serve as an eye-opener to our British Raj to-day. We quote here *Shama Sastry's* translation (page 254): "During Famine the King shall show favour to his people by providing them with seeds and provision (*bijabhaktopagraham*); he may show favour by distributing either his own collection of provision, or the hoarded income of the rich among the people; or seek for help from his friends among Kings. Or the policy of thinning the rich by exacting excessive revenue (*karsanam*), or causing them to vomit their accumulated wealth (*Vamanam*), may be resorted to, or the King with his subjects may emigrate to another Kingdom with abundant harvest." Look at this picture and that of our usurious *Taccavi loans* of to-day, which is but fleecing the peasantry in the name of agricultural credit for the relief of famine.

Alas! where ignorance is bliss it is folly to be wise!

What is the opinion of the oriental scholars regarding peasant-proprietorship in India? We must be brief: (1) Colebrooke in his "Miscellaneous Essays" says: "The monarch has not property in the earth. His Kingly power is for government of the realm, and extirpation of wrong; for that purpose he receives taxes from husbandmen, and levies fines from offenders. But right of property is not thereby vested in him. The earth is not the King's but is common to all." "It belongs," says *Jaimini* "to all alike" (p. 320-1). Says Mr. R. C. Dutt, C. I. E., discussing the *Mimansa* philosophy in his "History of Sanskrit Literature": "The King has no property in the land, and cannot bestow it. His Kingly power is for the government of the realm, but the right of property is not vested in him." Dr. Rhys Davids in the "Cambridge History of India" says: "The rural economy of India, at the coming of Buddhism, was based chiefly on a system of village communities of land-owners, or what in Europe is known as peasant-proprietorship" (1-198). In his "Bud-

dhist India" he says: "And each village had grazing ground for the cattle, and a considerable stretch of jungle where the villagers had common rights of waste and wood" (P. 44-6).

CHAPTER II

PEASANT-PROPRIETORSHIP IN INDIA DURING THE MUSLIM PERIOD

What about peasant-proprietorship in India under Muslim rule? The Islamic ideal of agricultural economics is beautifully summed up in the following well-known lines of the poet Sadi,—which a friend of ours presented to us :—"Rayat chun be khand wa Sultan darakht, etc." "The Rayat or peasant is the sap-supplying root of the living and growing tree, the King. O boy, the tree draws strength from its root. Do not lay the axe (O King) on the root of that tree upon the branch of which thou buildest thy own house." Let us appeal to facts of History, and our best authority is Amir Ali's 'History of the Saracens'. Speaking of the Islamic Republic under Abu Baker, Amir Ali says that when "the Dehkans or greater landed proprietors of Chaldea capitulated to the Moslems, the peasantry were not interfered with, and were left in the safe enjoyment of their Fields

and lands'' (26). When the Persian Empire was coming into Muslim hands, during the Caliphate of Omar (21 A. H.)—"A great cadastral survey was set on foot under the advice of Ali, the burdens of the peasantry were lightened, and they were secured in the possession of their lands. A complete net-work of canals was made for purposes of irrigation, and an order was issued for giving advances to the cultivators when needed. The sale of land was strictly prohibited, to safeguard against the eviction of the native peasantry'' (30). "Persia'' says Amir Ali, "thus passed under Moslem domination. As in Mesopotamia, the Caliph took immediate measures to settle the peasantry securely in their possessions'' (33). Speaking of Omar, says Amir Ali : "With a far-sightedness often wanting in rulers of later times, he perceived that the stability of the empire and its material development, depended upon the prosperity of the agricultural classes. To secure that object he forbade the sales of holdings and agricultural lands in the conquered countries. As a further protection against encroachment on the part of the Arabs, he ordained that no Saracen should acquire land from

the natives of the soil'' (57). ''In the administration of the acquired countries,'' says the historian, ''the improvement of the peasantry and the development of trade, were persistently insisted upon'' (61). Speaking of the condition of Europe, Amir Ali deplores ''the hatred of the Celt towards the Saxon, of the Irish towards the English, of the Pole against the Russ'' (74), which formed a ''barrier against fusion'' of the races in Europe, in what are known as the dark ages, and contrasts it with the result of ''the preachings of Muhammad'' towards the eradication of ''the poison of race-antagonism'' and the effacement of ''racial hatred'' in the countries of Europe that passed into Muslim hands. How did Europe come under Muslim rule as early as the First Century of the Hejira? That was partly because of the race-hatred of European peoples, but most of all because of their feudalism. Speaking of the Muslim conquest of Spain, Amir Ali says: ''As in Roman times, the rich, the nobles, and the privileged classes in general, were exempt from taxation. The country was split up into immense domains whose owners, lay and cleric, lived in palatial man-

sions where they spent their days in riotous or wicked indulgence. Cultivation was in the hands of either serfs tied to the soil, or of miserable herds of slaves who worked under the pitiless lashes of cruel overseers. Serfs or slaves, for them there was no hope of freedom or gleam of sunshine on this side of the grave. Neither serfs nor slaves might possess anything that they could call their own ; they could not marry without the consent of the master ; and if the serfs of two neighbouring estates intermarried, their children were divided equally between the two owners.* Sunk in the grossest superstitions, their moral state was as depraved and disgraced as their material condition was wretched'' (107). It was this pernicious system of feudalism slightly modified, which William the Conqueror, introduced into England in 1085 A. D., so as to reduce the peasantry of Old England into the condition of the serfs ; and it was this system of feudalism, however artfully disguised, which the East India Company tried to introduce into India, after they became our rulers from 1765,—by farm-

*Compare the Sudra in Manu, 4-80, 81 ; 8-413, 414, 417 and also 8—270.

ing out the agricultural land of the country annually to the highest bidder, for purposes of screwing up the revenue, thereby reducing the Indian peasantry to the condition of the serfs of feudal Europe. It is remarkable that within less than a century of the death of Muhammad, Islam spread over the largest part of Asia, Africa, and Europe,—the Persian, and the Roman Empires succumbing during the Caliphate of Omar. What was it due to? Partly it was due, as we have said, to the fact that the teachings of Muhammad, though extending only over ten years, effaced "racial hatred" "eradicating the poison of race-antagonism," but it was mostly due to the fact that wherever Islam went, it eradicated also the poison of the feudalism of Europe by practically establishing peasant-proprietorship. Speaking of the Muslim conquest and government of Spain, says Amir Ali, "The most beneficent effect exercised by the Muslim conquest was upon the condition of the servile classes. Hitherto they had been treated as worse than common beasts of burden; they now assumed their position as human beings. The slaves and serfs who worked

upon the estates that passed into Muslim hands at once obtained enfranchisement, and were converted into tenant-farmers with a living interest of their own in the soil. *The land became practically theirs,* subject to the payment of a share of the produce to the Muslim land-lords. The lot of those who still remained with Christian masters was considerably ameliorated, for a complaint of ill-treatment or the confession of the Muslim Faith, led to their emancipation by operation of the law. The slaves and serfs adopted Islam in order to obtain Freedom and the blessings of existence, that had been denied to them under the former regime" (114). The reader sees that the Muslims, to whatever country they came as rulers, never meddled with the rural laws of the country, except only to make the arable land of the country practically the property of the peasantry, demanding a land-tax in the form of a share of the actual produce, when the land was cultivated. The reader cannot fail to notice the striking similarity between this, and the peasant-proprietorship which, we have shown, prevailed in India in Hindu times. Does not this justify Burke's remarks in his "Impeach-

ment of Warren Hastings'' on ''the Mahomedan law which'' he says ''is binding upon all, from the crowned head to the meanest subject; a law interwoven with a system of the wisest, the most learned, and most enlightened jurisprudence that perhaps ever existed in the world'', adding ''Let me remind your Lordships that these people lived under the laws to which I have referred you, and that these laws were formed whilst we, I may say, were in the forest.''

Now about Muslim rule in India. The Government of India passed into the hands of the East India Company in 1765. Warren Hastings, as the Governor-General, forwarded to the Board of Directors in 1783, Mr. Gladwin's translation of the Ayeen Akbary with his minute remarking :—''This work will be found peculiarly so valuable, as it *comprehends the original constitution of the Moghul Empire,* described under the immediate inspection of its founders.'' The Ayeen Akbary then is undoubtedly the sole authority in all discussions concerning the position of the peasantry of India under Muslim rule in relation to the land they cultivated; and the Ayeen

'Akbary, in treating "of Tributes and Taxes," tells us : "In former times, the monarchs of Hindustan exacted the sixth of the produce of the lands ; in the Turkish Empire the husbandman paid the fifth, in Turan (Persia) the Sixth, and in Iran, the tenth. But at the same time there was levied a general poll-tax called *Kheraj.*" Then is cited the example of Noorshervan, "under whose reign Muhammad was born, who determined that a third part (of the actual produce) should be the proportion of revenue" (238). Taking all this into consideration, 'Akbar fixed one-third part of the actual produce as the revenue due to the state, and payable either in money or in kind, at the option of the peasantry. We read in the 'Ayeen 'Akbary : "They add together the produce of a *bigah* of each sort (best, middling and bad), and a third of that aggregate sum is the medium produce of one *bigah* of *Poolej* land (i. e., "land cultivated for every harvest, being never allowed to lie fallow"), one-third part of which is the revenue settled by his Majesty" (244). "The revenue is received either in money or in kind" (249). "The husbandman has his choice to pay the revenue either in ready

money or by *Kankoot* (appraisement), or by *Behawley* (Division of the actual produce)" (251). About two years before his retirement, Warren Hastings, as Governor-General, recommended the Ayeen Akbary to the Court of Directors telling them that "it comprehends the original constitution of the Mogul Empire," and as being superior to any that have been built on their ruins, and certainly most easy, as the most familiar to the minds of the people" (Preface, v).

It is to be noticed here that what the peasantry paid as revenue to the Muslim Government is called "tribute and tax," and not rent as the British Raj calls it to-day, not rent or hire for the use of the land that belongs to the ruling power, not even as "The Surplus or unearned increment, the property and emolument of the whole community" (Facts and Fallacies, p. 4). It follows as a necessary corollary that the Muslim rulers, like the Hindu rulers, never claimed the proprietorship of the peasants' land. When Lord Cornwallis, in conformity with the provisions of Pitt's India Act (24 Geo. III, Chap. 25, Sect. 39), in the opening words of Regulation

XIX of 1793, appealed to the "ancient law of the country"—("the laws and constitution of India"—24 Geo. III, Chap. 25, Sect. 39),—for the creation of Zemindaries in Bengal,—he was really acting against the provisions of Pitt's India Act, as "the ancient law of the country," whether Hindu or Mogul, did not give to the ruling power any property-rights in the arable land of the peasantry. Was he not guilty of treason? "The ancient law of the country" did indeed allow to "the ruling power" a certain portion of the produce of every *bigah* of land—only when there was an actual produce. When the peasant took no produce from the land, or "kept it out of cultivation in order that the soil may recover its strength" (A. A. 244), "the ruling power" was entitled to nothing. The peasant was free to cultivate his land or "keep it for pasturage" (A. A. 264). It follows then as a necessary corollary that peasant-proprietorship was the law in India under Muslim rulers, as it was under Hindu rulers, and that the creation of Zemindaries and Government Estates by the East India Company, over the peasants' arable land, was *ultra vires*, as going

against the provisions of Pitt's India Act, and should be set aside at once.

From Lord Cornwallis's misrepresentation of "the ancient law of the country," it is assumed to-day that "the ruling power" is the proprietor of the peasants' land, and has the right to "transfer it" to whom it pleases. On this false assumption, the Zemindars of Bengal to-day take their stand. The fact is, however, as we have shown,—the land was the property of the peasantry from whom the Government, in Muslim as in Hindu times, exacted the land-tax, now miscalled rent. Every right carries with it its corresponding duty. The Hindu as well as the Muslim rulers, in consideration of their claim to this land-tax,—which rose or fell, or was nil, when the produce rose or fell, or was nil,—had to perform certain very onerous duties at the cost of the State, and free of cost so far as the peasants were concerned. We have shown what those duties were in Hindu times (Peasant-Proprietorship in India, 85 to 106). What were those onerous duties that the Muslim rulers held themselves bound to perform in return for the land-tax they received? The Ayeen Akbary, which is

admitted to present to us "the original constitution of the Mogul Empire," expressly says, that what Akbar took from the peasantry was only a "return for the cares of royalty" (89), and certainly not because the land was *terra regis* as in England after the Norman conquest. What the duties were, that the Mogul rulers held themselves responsible to perform, will appear from the following quotations from the Ayeen Akbary : "He (The Amilguzzar, or Collector of the Revenues) must consider himself the immediate friend of the husbandman, be diligent in business, and a strict observer of truth, being the representative of the Chief Magistrate. He must transact his business in a place where everyone may find easy access, *without requiring any mediator.* He shall annually assist the needy husbandman with loans of money, and receive payment at distant and convenient periods. He shall annually assist the husbandman with loans of money" (262). Of course, unlike the *Taccavi* loans of our British Raj, these loans given by Muslim rulers were free of interest, for the Quran forbids usury, calling it "haram" (2-275) ; they were much like the long-term loans free

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of interest which England is proposing to give to her peasantry to-day. "Let him (Amilguzzar or Revenue Collector) learn the character of every husbandman, and be the immediate protector of that class of our subjects," etc. (See Peasant-Proprietorship in India. Section X).

Again litigation to-day impoverishes the Indian peasantry, and is a chief source of Government revenue,—nearly a fifth of the Government revenue being derived from the sale of Court fees and stamps among the peasantry. How did the matter stand under our Muslim rulers? In return for the land-tax (*Kheraj*) which they exacted, the Muslim rulers held themselves responsible for the settlement of all disputes, and for the administration of justice generally, at the cost of the state. We read in the Ayeen Akbary :—"Although it be the immediate duty of a monarch to receive complaints and administer justice, yet seeing that it is not possible for one person to do everything, it necessarily follows that he must delegate his power to another" (258). Not only that, but like the Hindu rulers compensating the peasantry for all loss by theft, from the

Royal Treasury, if need be (Vishnu, 3-46), we read in the Ayeen Akbary regarding the duty and responsibility of the Kotwal or City Police Superintendent, that "He shall discover the thief and the stolen goods, or be himself answerable for the loss"—(259). Indeed so careful were the Muslim rulers in the discharge of their duty as regards the settlement of disputes and the administration of justice, free of cost for the peasantry, that Stewart, in his History of Bengal published in 1813, says that even Nawab Moorshed Cooly Khan of whom, as a ruler, the East India Company's "Analysis of Laws and Regulations" (1814) presents the darkest possible picture,—Stewart in his History says: "During his Government the meanest peasant was secured from injustice and oppression. No Zemindar or Amil (officer) could with impunity oppress anyone" (p. 409). Contrast this with our present Government realising a fifth of the revenue from Court fees and stamps sold among the peasantry for the settlement of disputes? Add to this that litigation among the peasantry is to-day the only feeding-ground of our educated classes,—as lawyers, touts or office-employees. On the other

hand in Moorshed Cooly Khan's reign, about 50 years before the East India Company came to be our rulers, we read: "Vakils were continually in search of complainants; and wherever they met with any person who had reason to be dissatisfied, they used every endeavour to pacify him; but if it happened that a well-founded complaint reached the ears of Moorshed Cooly, the offender was sure to suffer severely. If the officers of justice, out of partiality or respect to rank, neglected to redress the meanest person, upon a representation thereof from the party aggrieved, the nawab tried the cause himself, and in his decisions shewed neither favour nor affection to any one, the rich and the poor bearing equal value in his sight (409)." How different is all this from what we have to-day! Not to speak of the proverbial "law's delay" and the "lawless laws," the demand for Court fees, and lawyers' fees to-day, make legal redress inaccessible to the poor peasantry, and accessible to Zemindars and other rent-eaters who roll in gold, so that justice may to-day be said to be sold to the highest bidder. The position of the peasantry in Muslim times, was it not then heaven itself com-

pared with what it is to-day,—with the "oppressors' wrongs" that must go unredressed,—because the peasant has not the wherewithal to pay for justice!

Again the Muslim rulers, like their Hindu predecessors held themselves bound to provide ample pastures for the peasant's cattle, at the same time leaving the peasantry free to use their own lands for pasture, without being in that case liable to pay the usual land-tax or *Kheraj*. Says the Ayeen Akbary :—"If anyone does not cultivate *Kherajee* (or tax-paying) land, but keeps it for pasturage let there be taken yearly, from a buffalo 6 dams (farthings), and from an ox 3 dams (or farthings), but calves shall be permitted to graze without paying any duty." Notice particularly what follows : "For every plough there shall be allowed four oxen, two cows, and one buffalo, from whom likewise *no duty shall be taken for* pasturage" (265). Contrast with this the indifference displayed by the authorities to-day to provide pastures for the peasantry.

The provisions of the Ayeen Akbary, against famine, are also as remarkable as those of the *Kautillya Arthasastra,* and we commend them for the

consideration of the socialist British Raj of to-day. Says the Ayeen Akbary "His Majesty in return for the cares of royalty exacts an annual tribute of ten seers of grain from every *bigah* of cultivated land throughout the empire ; and granaries are erected in different parts of the kingdom from whence the cattle employed by the State are provided with subsistence. They are also applied to the relief of indigent husbandmen ; and in time of scarcity, the grain is sold at a low price, but the quantity is proportioned to the absolute necessities of the purchaser. Likewise, throughout the empire, a great quantity of food is dressed daily for the support of the poor and needy" (p. 189). Fifty years before the East India Company became our rulers, Mr. Stewart in his History tells us about Nawab Moorshed Cooly Khan—whom the "Analysis of the Laws and Regulations" of the East India Company represents as one of the cruellest of rulers—Mr. Stewart tells us that "He always provided against famine, and severely prohibited all monopolies of grain ; he constantly made private enquiries concerning the market-price of grain ; and whenever he discovered any imposition, the offend-

ers suffered the most exemplary punishment. If the importation of grain to the cities and towns fell short of what had been usual, he sent officers into the country, who broke open the hoards of individuals, and compelled them to carry their grain to the public markets. Rice was then commonly sold at Moorshidabad at four maunds per rupee (*i. e.* 20 lbs. for a penny), and the prices of other provisions were in proportion. He also strictly prohibited the exportation of grain; and the Faujdar of Hughly had express orders to see that no ship belonging to Europeans or others, was suffered to carry away more than was sufficient for the victualizing of the crew during their intended voyage; neither were any merchants suffered to have any store of grain" (p. 407). That was about 1725 A. D., that is, only forty years before the East India Company became our rulers. Before England's trade and industries attained their present magnitude, and people had to depend on the food they could themselves produce, England too protected her agriculture by similar methods, such as her corn-laws. The corn-law and anti-corn-law agitations of England (1815 to 1846) are well-known in

English history. Alas for India to-day, after nearly two centuries of British rule, even a Lieutenant-Governor of Bengal could with shameless indifference say "that one-half of the agricultural population never satisfies hunger fully from one year's end to another," and the Socialist Prime Minister of England could callously refer to it in his "Awakening of India" without doing anything, while he is in power, for the relief of our food-producing peasantry. Under the cloak of free trade to-day rice is allowed to be exported to foreign countries for the manufacture of rum, and the feeding of pigs, while the peasantry of India perish from famine, without any serious notice being taken of them.

CHAPTER III

PEASANT-PROPRIETORSHIP IN INDIA UNDER BRITISH RULE

Peasant-proprietorship, we have seen, was established and handed down in India both under Hindu and under Muslim rule. What about it under British rule? On the death of the Emperor Aurungzeb in 1707, a scramble for the throne of Delhi followed. The "Analysis of the Laws and Regulations" of the East India Company, published in 1814,—more as a justification for what the company themselves proposed to do, and actually did, than as a true statement of facts,—says that on the dismemberment of the Mogul Empire: "The regular course of justice was everywhere suspended : but every one exercised it, who had the power of compelling others to submit to his decision" (II—11). The East India Company was incorporated in 1600, and granted the sole right of trading with the East Indies, by Queen Elizabeth.

In 1636, Shajehan's daughter was burnt, because of her clothes catching fire. An European doctor from Surat, Dr. Boughton, came from Surat, and cured the princess. He was desired to name his reward. He solicited that "his nation might have liberty to trade free of all duties in Bengal, and to establish factories in that country." That was the thin end of the wedge, and only needed to be hammered in by the conquest of Bengal, selling the people in their sleep. The story of the accession of the East India Company to the sovereignty of India was briefly this : In 1765 Clive obtained, from an exiled and throneless titular Emperor of Delhi, a deed granting to the East India Company the Dewanship of Bengal, *i. e.*, the office of Chief Financial Minister with judicial power in Civil and Financial cases. Under the "anomalous system created in Bengal by the Grant of the Dewani"* did that body of merchants, whose sole object was to make money, transform themselves into a full-fledged sovereign power in India, by this touch of the magic wand of the astute Lord Clive. Was this Conquest?

*Cam. Hist. Ind., V.—183.

As early as 1689, we read in the Encyclopædia (Brit.), that the directors of the East India Company passed the following order on their local agents in India : "The increase of our revenue is the subject of our care ; it is that must make us a nation in India." The government of England too in those days made the East India Company their milch-cow as often as they could :—In 1698 the East India Company gave "a loan of two millions to the state" : again in 1708 "the company was to lend the nation £3,200,000" ; and again in 1730 "a loan of a million". We are told that though the company ceased to be a trading concern from 1833, yet "its annual dividends of ten guineas per £100 stock were made a charge upon the Indian revenue" (En. Brit.). Even that was not all. The British nation seems to have had a longing sharkish look on the "territorial revenues" of India. "In 1766, just the year after the East India Company obtained the Dewani," says Lecky, "a project was indeed entertained of withdrawing the great dominions, which had been conquered (?) in Hindustan, from the control of a mere mercantile company, placing them under the direct dominion of the crown, and

diverting to the public treasury the territorial as distinguished from the mercantile revenues" (III-304). Notice, the sting is at the tail-end of this project.

Under such auspices then did the East India Company, whose sole object was "to make money" by hook or crook, begin to exercise sovereignty in India. The wish is father to the thought. They wished that the peasantry should have no proprietary rights in their own lands ;—they wished that the land-tax, the Hindu *vali,* and the Muslim *Kheraj* should be a rent payable in ready money, and not a tax paid for the discharge of certain very onerous duties to the peasantry in the form of a share of the actual produce, payable in kind or in money at the option of the peasantry. They wished that there should not be any of those onerous duties to be performed by the rulers in return for the territorial revenue. Manu's "*sthanuchhedasya Kedaram*" (9-44), "To the reclaiming cultivator belongs the arable field," was to them intolerable nonsense. They had no time for inquiry. We are told that from 1767 to 1772 the British Government "obliged the Company

to pay into the exchequer an annual sum of £400,000 for the privilege of retaining their territorial acquisitions"—the state claiming this as "its share of the Indian spoil" (C. H. I., V. p. 184 to 188). Burke states the plain truth when he charges Warren Hastings, the agent of the East India Company, with "rebellion," with following the examples of Shuja-Dowla, Aliverdi, and all the gang of rebels who are the objects of his imitation" (II-17). Hastings himself had forwarded to the Board, Gladwin's translation of the 'Ayeen-Akbary' in 1783 with the remark that "it comprehends the original constitution of the Mogul Empire;"—but in practice wherever money-making for the company is concerned, he will have nothing to do with it even though Burke had proved that "The very condition upon which he received power in India was to protect the people in their laws, and known rights." "The increase of our revenue is the subject of our care," said the directors of the East India Company. For the effective discharge of this duty their agents in India proceeded in the spirit of the words of Hastings in his own defence when he was impeached :—"The people (in India) have no

laws, no rights; they are nothing but a herd of slaves to be governed by the arbitrary will of a master" (II-4).

What did the East India Company do after they obtained the Dewani in 1765? "From 1765 to 1771," says Field (477), the revenue collection was "left under native management." From 1772 the company began to show their cloven feet by "letting the lands in farm to the highest bidder," farming out, not the *revenue*, but the *land* of which the peasantry were the proprietors from time immemorial, thus setting the example of a most flagrant violation of "the regular course of justice," because they "had the power of compelling others to submit to their decisions" (A. L. R. 11). On the other hand, after the dismemberment of the Mogul Empire, the Muslim rulers farmed out the revenue only from year to year, only as an Emergency Measure, leaving the proprietary rights of the peasantry, in their own lands, intact; and it was always optional with the peasantry to pay the land-tax (*Kheraj*) in kind, as a fixed share of the actual produce, or its equivalent in ready money, only when there was an actual prod-

uce. But a money-making mercantile company could not stand "the evil consequences of so fluctuating a system"! 'Evil' of course to the revenue-grabbing company! And in 1772 they concluded a settlement of the provinces "for a period of 5 years"—(12), after ascertaining the value of the country, "by letting it in farm for a term of years to the highest bidder" (Field p. 480). "A settlement of the provinces" meant to the company a settlement of the *land* of the provinces, though the land belonged to the peasantry. It was not the settlement of the mere revenue. It thus amounted to "a wholesale confiscation of the peasants' proprietary rights" in their own lands, on a scale the world had never seen. Did not the congeners of the East India Company, the Roman Cohorts, once hold up the Roman Empire for sale? The self-complacent "President and Council" in their proceedings of the 14th May 1772 remark: "There is no doubt that the mode of letting the lands" (not the revenues as under Muslim rulers. D. D.) "in farm is in every respect the most eligible. It is the most simple, and therefore the best adapted to a government constituted like that of

the company'' (a mercantile government governing solely for the sake of the revenue. D. D.) ''which cannot enter into the detail and minutiæ of the collections'' (14, 15), which like the cat in the adage would have the fish, but would not wade to catch them. Yes, eligible indeed, though it amounted to a surreptitious confiscation of the property-rights of the peasantry in their own lands, though they form eighty per cent. of the people,* and a direct violation of the laws which, Hastings himself had admitted, were established in the country from time immemorial! The cry of the Company, however, was : ''Let the lands in farm to the highest bidder,'' and the lands were put up at public auction. Upon the expiry of the quinquennial settlement in 1777, it was found ''the increase of revenue, expected from this settlement, was not realized, the farmers having engaged for a higher revenue than the districts could afford'' (A. L. R., 21). A body of profiteering adventurers, what cared they whether the country could or could

* ''In the Revenue Despatch No. 14 of the 9th July, 1862, published at page 2887 of *''The Calcutta Gazette,''* it is admitted: ''It must be remembered that in India, and specially in the districts under Rayatwari Settlement, the great bulk of the agricultural population are the proprietors,'' etc. (Field, p. 691.)

not afford? "Ministers sanctified this bloodshed, this rapine, this villainy, this extortion......for the valuable consideration of £400,000. Their misdeeds were more than atoned for by an expiatory sacrifice of the pecuniary kind" (C. H. I., V. p. 188). As a result of it, in India "Famine followed famine, and the Ganges was sometimes choked with corpses" (Ransome, 369) "a third of the inhabitants of Bengal being carried away." That was the glorious result of the East India Company's "letting the lands in farm to the highest bidder," for ready money, instead of the time-honoured share of the actual produce. Chatham wrote in 1773 out of sheer indignation: "India teems with iniquities so rank, as to smell to earth and heaven" (C. H. I., V. p. 187). And those iniquities have not been righted to this day! "In 1770 there was a great famine," says Field (470), "which was said to have destroyed a third of the inhabitants of Bengal." Notwithstanding this mortality and the consequent decrease of cultivation, the revenue collections for the following year, 1771-2, exceeded not only those of 1769-70, but those of 1768-69. This, as explained in a letter from the President in Coun-

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cil,* was due "to the standard of collection being maintained by violence and oppression." How shameless, how brazen-faced! A body of heartless merchants exploiting India solely for profit! What did they care, if a third of the population perish, because their standard of collection was maintained by "violence and oppression."

What followed? A few of the noblest souls, the jewels of England—Burke, Sheridan, Fox, Pitt and Lord North —took up India's cause, carrying on a vigorous agitation in Parliament, till we read of Lord Clive himself complaining in Parliament, in his reply to Lord North :—"I have been examined by the Select Committee, more like a sheep-stealer than a member of this house", and escaping the insult of an ignominious impeachment by committing suicide.

The East India Company did indeed make a milch-cow of our forefathers, making famine to follow famine, even to this day. But they were also themselves made the milch-cow of the British nation in their turn. "Parliament would not relinquish its privilege of milking the company from time to time."

*Dated 3rd November 1772.

"A loan of two millions to the State" as early as 1698 ; in 1708 the company had to lend to the British nation three millions (£3,200,000) ; in 1730 the loan of a million. In 1833 "the East India Company ceased to be a trading concern, exercising administrative functions alone, and yet its annual dividends of ten guineas per £100 stock, were made a charge upon the Indian revenue" (En. Brit.) "The wish is father to the thought". The Government of the East India Company,—even the British Government of to-day,—could not be made to entertain the idea that they had to perform any onerous duty in return for the territorial revenue, or land-revenue as they call it to-day that they had to perform such duties, as giving protection to the peasants' crops from droughts, and floods, and thefts, providing free pastures for the plough-cattle, settling all their disputes free of cost, and giving them protection from famines, etc., which both the Hindu and the Muslim governments held themselves bound to perform from time immemorial. It was owing to their effacement of the corresponding duties that "the territorial revenues," of India made the mouths of the British

nation themselves to water. Lecky tells us that as early as 1766, *i. e.*, the very year after Cilve's acquisition of the Dewani :—"A project was indeed entertained of withdrawing the great dominions which had been conquered in Hindustan from the control of a mere mercantile company, placing them under the direct dominion of the crown, and diverting to the public treasury the territorial as distinguished from the mercantile revenues." Clive had at one time suggested this measure, though he afterwards opposed it. It was moved in the Commons in November 1766 which means, just the year after the Company's acquisition of the Dewani of Bengal, Bihar and Orissa.

The policy, of the East India Company, of securing "the increase of their revenue" by the public sale of the peasants' lands for ready money, caused famine after famine in India to choke the Ganges with our corpses to this day. But let us first consider what was the moral effect of it in England. "In the first decade of George III," says Lecky (III-369), "the Nabobs, or Indian adventurers, who had returned in great numbers laden with the spoils of Hindustan,

began to appear prominently in English political life. At the end of 1767, Chesterfield was told at the approaching election that there was no such thing as a borough to be had now for £2,500, for that the rich East and West Indians* had secured them all at the rate of £3,000 at least, but many at £4,000, and two or three that he knew, at £5,000." "For some years past" said Chatham in one of his speeches in 1770—the year in which a great famine was said to have "destroyed a third of the inhabitants of Bengal" (Field), "there has been an influx of wealth into this country which has been attended with many fatal consequences, because it has not been the regular, natural produce of labour and industry. The riches of Asia have been poured in upon us, and have brought with them not only Asiatic luxury, but I fear, Asiatic principles of Government. Without connections, without any natural interest in the soil, the importers of foreign gold have forced their way into Parliament by such a torrent of private corruption, as no private hereditary fortune could resist."† It was very natural

* "Selling slaves abroad to buy slaves at home."
† Chatham, correspondence, III. 405.

that a class of men who were for the most part utterly ignorant of English politics and indifferent to English liberty, whose habits of thought had been formed in scenes of unbridled violence and despotism, and who had attained their seats for purely personal ends, and by the most lavish corruption, should have been ready to support every attempt to encroach upon the constitution. They usually attached themselves to the king's friends. Clive himself at one time brought no less than five members into Parliament, and we find him, in 1767, bargaining for an English peerage as the reward of his services (for the king) against Wilkes. "The immense wealth," said Walpole, "that had flowed into the country from the war and the East Indies bore down all barriers of economy, and introduced a luxury of expense unknown to empires of vaster extent. There were some cases of corruption so flagrant that Parliament was obliged to take notice of them" (III—369-71).

While the East India Company was thus carrying on their mission of undermining both English liberty and English politics, as well as "Peasant-proprietorship in India," there arose on the firmament of Eng-

land a galaxy of luminaries, noble spirits, who did all that they could to curb the revenue-grabbing lawless despotism of the East India Company, by passing the Regulating Act of 1773, and the India Act of 1784.

CHAPTER IV

LORD NORTH'S REGULATING ACT

OF 1773—A FUTILE ATTEMPT TO SAVE PEASANT-PROPRIETORSHIP IN INDIA

Lord North's Regulating Act was passed in 1773. The "Cambridge History of India," speaking of the period 1772 to 1786, tells us : "This was the period which saw the company subjected to minute and severe inspection at the hands of Parliamentary commissions, the select and secret committees of 1772, and the select and secret committees of 1781. Each occasion was followed by a great statute and an attack upon a great individual. In 1772 we have the attack upon Clive, followed by the Regulating Act of 1773. After 1781 we have Pitt's India Act of 1784 followed by the Impeachment of Warren Hastings" (V-181). Were it not for the fact that Clive died by his own hand on 22nd November, 1777, he too might have been impeached for "High crimes and misdemeanours" like his successor Warren Hastings. Indeed no less an authority than Chatham wrote in

1773: "India teems with iniquities so rank as to smell to earth and heaven" (C. H. I., V-187). This outburst of indignation notwithstanding, we are told: The State "claimed its share of the Indian spoil in the form of an annual sum of £400,000 for two years in 1767," which means only two years after that tragic farce,—"the anomalous system created in Bengal by the grant of the Dewani" by the exiled, throneless Shah Alam.

To our great disappointment, the "Cambridge History" does not give us the text of the Regulating Act of 1773. It is not perhaps to their interest to do so. It merely says: "The matter was very difficult to define. It left undefined the law to be administered" (191). But that jewel of an Irishman, Burke, whose heart beat with "a deep and ardent hatred of oppression, and cruelty in every form," who had the "capacity of devoting long years of thankless labour to the service of those whom he had never seen, and who could never reward him" (Lecky III. 398),—what Burke tells us in his Impeachment, about the conditions upon which Hastings was appointed Governor-General, should be enough for the purpose

of any honest enquiry. Says Burke : "Let me remind your Lordships that these people lived under the laws to which I have referred you, and these laws were formed whilst we, I may say, were in the forest." "The very condition upon which he (Hastings) received power in India, was to protect the people in their laws and known rights" (II. 5). The "Cambridge History" too admits that "the Country as a whole was inclined to agree with Burke," that "the Company had flown in the face of Parliament" (194). Says Ransome : "To supply money for the struggle (with Hyder Ali in Madras), also to pay the Company's dividend, Hastings had been forced to most unprincipled acts" (370). The provision of the Regulating Act binding Hastings "to protect the people of India in their laws and known rights" became for obvious reasons a dead letter to him. What else could one expect from the agent of a Merchant Company, whose sole object was to make money? What indeed was the Dewani of which the East India Company made so much?

"The *firmaund* from King Shah Alam granting the Dewani of Bengal, Behar and Orissa to the Com-

pany, was granted on the 12th August (1765), the place Benares (not Delhi), the throne an English dining table covered with embroidered cloth, and surmounted by a chair in Clive's tent—the transaction was done and finished in less time than would have been taken up in the sale of a jack ass'' (En. Brit.). Was this Dewani so granted by a throneless King, an Exile, *bona fide,* or was it a colossal sham? The Dewani is an office with highly responsible public duties, and it is a contradiction in terms to confer it on one well known to be ignorant of the language, laws and customs of the country, so as to be absolutely incompetent to discharge these public duties. ''The emperor Shah Alam divested the Nawab,'' who after 1757 was no more than a mere puppet in the Company's hands, ''of his powers as Dewan, and conferred that office on the British East India Company'' who were to hold it as ''a free gift in perpetuity.'' The Dewan as we have said, is the minister or head financial officer, and Chief Judge of the Country, with very responsible duties and invested with ample rights and powers, ''who was charged with the collection of the revenue, and invested with

extensive judicial powers in all civil and financial cases"—"a tribunal of revenue or Justice" (Field, 458). Was it not self-contradictory to confer such an office as a "free gift in perpetuity?" Only fancy the Prime Ministership of England, or the Chief Judgeship of the Privy Council, conferred by His Majesty on a body of foreign merchants, ignorant of the laws, customs and language of England, as a "free gift in perpetuity" ! Would not that be a colossal sham, if not a swindle? A throneless cypher of an Emperor of Delhi, doing it in Benares, in Clive's tent, in regard to the territorial revenues of a whole country, involving not only extensive rights, but also onerous duties to the public, was it not a swindle of a magnitude for which the whole world has no parallel? Were not both the giver and taker swindlers of the public? And Hastings had hardly taken over government in 1772, when "the Emperor Shah Alam having quitted English protection at Allahabad, for Mahratta protection at Delhi,—Hastings decided to stop payment of the Bengal tribute." Hastings wrote to Shah Alam on 13th September 1773, "I must plainly declare that until the safety

and welfare of these provinces will admit of it, I cannot consent that a single rupee be sent out of them, which it is in my power to retain, nor, if I can prevent it, ever more'' (C. H. I., V. 391). In common fairness, this would amount to a resignation of the Dewani, on the part of the Company, who had engaged to ''be security for the sum of twenty-six lakhs of rupees a year for our royal revenue'' (Field, 457). Far from it, Hastings even wrote to the Secret Committee on 1st September 1772, ''The truth is that the affairs of the Company stand at present on a footing which can neither last as it is, nor be maintained on the rigid principles of private Justice'' (C. H. I., V. 598). In these ideas he was encouraged by the Company's decision to stand forth as Dewan (398). Reading between the lines, it means ''Swallow the whole of the territorial revenue, without caring a twopence for the justice of it, or the onerous duties''. They were all of one mind. ''Stand forth as the Dewan of the throneless emperor of Delhi, Shah Alam, but do not pay the stipulated ''royal revenue'', nor be responsible for the duties.'' Lawyers like Thurlow declared that in India under the

Company there "existed no powers or rights but force, and that it was a country with no public moral or faith" (599). And yet we are told that Clive, to whom is due the credit, or more truly the discredit, of this gigantic swindle of the acquisition of the Dewani by the Company, gave it as his last advice to the Directors, as he finally left India in 1777 :—"We are sensible, that since the acquisition of the Dewani, the power formerly belonging to the *Soubah* of those provinces is totally, in fact, vested in the East India Company. Nothing remains to him but the name and shadow of authority. This name, however, this shadow, it is indispensably necessary we should seem to venerate" (En. Brit.). But alas! the committee of circuit in their proceedings of 28th July 1772, ignoring altogether the duties of the Dewan as the Chief Justice of the country, and the protector of the crops, the cattle, and the men, openly declare, as a money-making body of Merchants, as they were, would, rather than as the sovereign of a great country,—"The revenue is beyond all question the first object of Government" (415).

Is it likely that a money-seeking Company of

merchants, with Hastings as their Chief Agent, will govern the people in the spirit of the provisions of the Regulating Act of 1773, of which the substance, as we have said, as given by Burke, runs thus :— "The very condition upon which he (Hastings) received power in India, was to protect the people in their laws and known rights" (II-5)? Hastings himself forwarded to the Board of Trade, on 2nd June 1783, Mr. Gladwin's translation of the Ayeen Akbary with the remark that "It comprehends the original constitution of the Moghul Empire" (Preface). It was clearly then the duty under Lord North's Regulating Act, of the Company, and of Hastings in particular, to have taken the Ayeen Akbary as their guide, as regards their rights and duties, as the ruling power, in regard to the territorial revenue to be realised from the peasantry, and to see that the peasantry were maintained "in their known rights", as the Act of Parliament directed. Far from it, in this wicked world, is not the wish but too often the father to the thought? The company wished and found what they wished : "The regular course of justice," says the Company's

"Analysis of Laws and Regulations" (II of 1814) "was everywhere suspended; but every man exercised it, who had the power of compelling others to submit to his decisions" (10). The truth, however, is that no man could have done it, if the Dewan Company as Chief Judge of the Empire, had faithfully discharged their duty, for, as the Dewan of the Great Mogul, if that was not a mere subterfuge, the Company had "extensive powers in all civil and financial cases" (Field, 458). If "the regular course of justice was suspended," the Dewan Company was responsible for it before God and man, and not only to the Mogul Emperor, but also to the British Parliament, under the provisions of Lord North's Regulating Act. The Royal Proclamation of 1919 refers to Lord North's Regulating Act of 1773 with just pride saying "the Act of seventeen hundred seventy-three was designed to establish a regular system of administration and justice under the Honourable East India Company." What action did the Dewan Company take? "The Directors positively prohibited the making of minute enquiries" (Field, 468). In 1772 Warren Hastings became

Governor, and in that very year the land of the peasantry of the country, which they held under "the laws and constitution of India" from time immemorial, as their allodial property, always paying the land-tax in the form of a proportion of the actual produce, and only when there was a produce, the agricultural land of the country, in violation of "the laws and known rights of the people" was let in farm to the highest bidder" for ready money, to the ruin of the agriculturist and of agriculture, by the quinquennial settlement of 1772, with reckless sharking "speculators," who "readily agreed for sums which they found themselves utterly unable to pay when the time for payment came" (Field, 480-81). "Upon the expiry of the quinquennial settlement in 1777" we are told that limited annual settlements were made in open violation of the Regulating Act, "for several years under the orders of the Court of Directors" (487), the President and Council brazenfacedly remarking in their proceedings, 14th May 1772:—"There is no doubt that the mode of letting the lands in farm, is in every respect the most eligible," though it spelt death from famine to the people. Was

it not "the most eligible" for the Roman Cohorts, if we are not mistaken, to have held up the Roman Empire in her decrepitude, for sale to the highest bidder? The Company's ground was the money-maker's ground, not that of a ruling sovereign: "The revenue is beyond all question the first object of Government" (C. H. I., V-415). If the spoliation of the peasantry and the ruin of agriculture be the first object of Government, then surely "letting the lands in farm" is the most eligible: And what was that huge revenue realised for? Twenty-six lakhs of rupees a year for the throneless emperor, as a reward for his conferring on the Company "the right to administer Dewani, which the Company themselves swallowed after Clive was gone, and thirty-two lakhs to the Nawab of Bengal—not "for the expenses of Government", as the "Cambridge History" tries to sugar over this dirty affair (V.205), but "as a fixed stipend" or "pension" to the Nawab "for the maintenance of himself and his household," as the Company's "Analysis of Laws and Regulations" has the honesty to give it. "The Company retained the surplus for themselves." How many

hundred thousands of pounds sterling that came to, no one will tell us. "On 23rd December 1778", the court of Directors "Sent orders for the land revenue to be settled annually" by auction to the highest bidder. That was certainly in every way the most eligible for that merchant company. But what was it for the peasantry, or the people? It is, as Burke put it, "an endless hopeless prospect of new flights of birds of prey and passage, with appetites continually renewing for a food that is continually wasting ;—the cries of India are given to seas and winds to be blown about in every breaking up of the monsoon, over a remote and unhearing ocean" (C. H. I., V-198). "Even Hastings in the first year of his Governor-Generalship," we are told, wrote : "The boys of the service are the sovereigns of the country under the unmeaning title of supervisors, collectors, and administrators of Justice, and rulers, heavy rulers of the people." Eight years later too Hastings speaks of India as : "A country oppressed by private rapacity, and deprived of its vital resources by the enormous quantities of current specie annually exported in the remittance of private fortunes" (C. H. I., V-198).

Twenty-six lakhs annually for the emperor as the price of the Dewani, to be soon swallowed by the Dewan Company under a pretext, thirty-two lakhs annually as pension for the maintenance of the Nawab and his household, and a balance of many scores of hundred thousand pounds sterling annually as the profits of the Company,—where was there any money left "for the expenses of Government"? Where was there any money left for "protecting the people in their laws and known rights," as provided for in Lord North's Regulating Act? Where was there any money left for the discharge of those onerous duties which the Government, Hindu or Muslim, held themselves bound to perform for the peasantry, for the prevention of famine, in return for this huge revenue that was realised, for the protection of crops, by providing facilities for drainage, irrigation, and manuring, or the supply of free pastures for the plough-cattle, and the disposal of the complaints of the peasantry free of cost? (see Peasant-Proprietorship in India, section IX). Mr. Becher, Resident at Murshidabad, we are told, wrote in 1769 : "Since the accession of the Company to the Dewani, the condi-

tion of the people of this country has been worse than it was before. This fine country, which flourished under the most despotic and arbitrary government, is verging towards its ruin while the English have really so great a share in the administration'' (C. H. I., V-207). The poor illiterate peasantry only blamed the fatal writing on their foreheads, striking their foreheads, and acquiescing in the spoliation! Thus merrily went on, in spite of Lord North's Regulating Act of 1773, the fleecing of India's peasantry, the sole producers of food and wealth in the country, by the self-styled ''trustees for the people,'' in the name of ''protecting the people in their laws and known rights,'' to which, as Burke says, Lord North's Regulating Act of 1773, bound down Warren Hastings, as Governor-General under that Act.

CHAPTER V

PITT'S INDIA ACT

OF 1784—THE MAGNA CARTA OF PEASANT-PROPRIETORSHIP IN BRITISH INDIA FOR ALL TIME TO COME

What followed Hastings' policy of loot, and his immolation, at the altar of Mammon, of India's agriculture and the agricultural classes for the sake of revenue for the Company? "When the news of Hastings' high-handed proceedings became known," says Ransome (370) "Parliament was again called on to interfere." Fox, Sheridan, and Burke again took up our cause. Fox condemned Hastings' Government of India as "a system of despotism unmatched in all the histories of the world," and Hastings as "a man who by disobeying the orders of his employers, had made himself great." In another speech Fox cried, "The Indian people in spite of every exertion both of the legislature and Court of Directors, groan under the scourge, the extortion, and the massacre of a cruel and desperate man, whom in my conscience and from my heart I detest and

execrate'' (C. H. I., V-196). Burke, in one of his speeches, maintained ''the natural equality of mankind at large'', and that ''all political power which is set over men ought to be exercised for their benefit ;'' it is ''in the strictest sense a trust ; and it is of the very essence of every trust to be rendered accountable, and even totally to cease, when it substantially varies from the purposes for which alone it could have a lawful existence'' (C. H. I., V-197). Fox introduced his India Bill on 18th November 1783. It ''may, not unfairly, be said to have definitely forbidden in future most of the characteristic acts of the Hastings' administration.'' But nobody gives us the text of that Bill though it is said : ''It was bitterly opposed by the Company'' (195). ''So far as the bill affected the natives,'' says Ransome, ''it was good, for it had been drawn up by Burke.'' To India's misfortune that Bill was rejected in the Lords, after it was passed in the Commons by 208 to 108—by a highly ''unconstitutional'' Act, solely because the ''coalition ministry'' was distasteful to the King. The ministry was dismissed, and Pitt came into office, and in August, 1784, passed his

India Act. Though the text of that Act is also not before us, it is enough for us to know what Hastings read in that Act : "My resignation of the service is expected, and desired. I shall lose no time in preparing for the voyage." So Othello's occupation was gone! Would that his shop-keeper's ideal of sovereignty,—"The revenue is beyond all question the first object of Government" (419), "provided the stipulated revenue was realised, the method of collecting it, did not much matter," for which "the confinement of Zemindars and farmers" for non-payment of revenue, "was freely used"—were also gone with him. While the British Empire itself realises no land-revenue from her agricultural land, for a Britisher as the Agent of the British Sovereign to cast a longing sharkish look on the land-revenue from India's agricultural land, and the Parliament to shut its eyes to it, even to this day, is surely a sight to make the angels weep. From a perusal of the Ayeen Akbary, which, Hastings himself wrote in 1783, "Comprehends the original constitution of the Mogul Empire", Hastings knew very well that the ryots were the allodial proprietors of their lands, and that

the ruling power had to perform very onerous and expensive duties in return for the land-tax (not rent) they received, and that the land-tax was not "demandable in ready money", as Lord Cornwallis misrepresented "the ancient law of the country" in the preamble to his Regulation 19 of 1793, but only as a share of the actual produce. In his administration of the country, however, Hastings ignored the Ayeen Akbary altogether,—the Company as Dewan, themselves setting the ball rolling, "suspending the regular course of justice" raising an outcry against others of their doing so, saying: "Every man exercised it who had the power of compelling others to submit to his decisions" (A. L. R., II-10). Though Hastings knew well enough that it was not true, yet he "assumed that the sovereign possessed the land", while Francis, blinded by his ignorance, assumed that "the Zemindar was the real owner"—though the Ayeen Akbary expressly declares the Zemindar as a "collector of royal or Jageer lands" (257). "No one thought of what might be the claims of the ryots to the possession of the land" (C. H. I., V-424). Pitt's India Act of 1784, it has been re-

marked, "emphasized the consciousness of moral obligation in administering the Company's possessions." It has never been repealed, and is therefore still in force ; it is also referred to with just pride, in the Royal Proclamation of 1919, as "designed to establish a regular system of administration and justice under the Honourable East India Company". Alas! Pitt's India Act was not followed even by Hastings' successors, and we have no hesitation in saying that even the socialist ministry of to-day shuts its eyes to the main provision of Pitt's India Act of 1784 (24 Geo. III Cap. 25, section 39) ; and when we assert that Peasant-Proprietorship is still the law even for British India under Pitt's India Act, we consider our position invulnerable. We throw down the gauntlet and challenge any one to prove the contrary. We call anything done to the contrary, done be it either by Lord Cornwallis, or by Lord Wellesley, as high treason. Hastings knew India better than his successors, and he read in Pitt's Act the death-knell of his policy of letting out, to sharkish speculators, the agricultural land of the country, by public auction. Indeed one of the charges against Hastings,

it should be remembered, was his "arbitrary settlement of the land revenue of Bengal with fraudulent dealings" (309). "Some votes were given for his acquittal, not because the judges condoned every act of the accused, but because they held that the long torture of the trial was more than adequate punishment" (C. H. I., V-311). Our regret, however, is that the successors of Hastings to this day, in their land-revenue administration, are open to the same charge of arbitrariness and irregularity as Hastings himself was.

Now about the most important provision of Pitt's India Act : The "Analysis of the Laws and Regulations" of the Company (1814, II-50) tells us, what even the "Cambridge History" for reasons best known to them, withhold from us : "one of the principal objects of the 39th section of the Act is to settle and establish, upon principles of moderation and justice, according to the laws and constitution of India, the permanent rules by which their tributes, rents and services shall be in future rendered by the ryots, Zemindars, polygars (subordinate chiefs in Madras), talukdars, and other native land-holders" (50).

Notice that in Pitt's Act the ryot is given the first place as "native land-holders", and as in the Ayeen Akbary the word 'tribute' is applied to what was due to the state from 'the ryot'. The expression "constitution of India" is on the face of it a reminiscence of the expression "constitution of the Mogul Empire", that Hastings himself in 1783 had applied to the Ayeen Akbary, so that the Ayeen Akbary is clearly hinted at by Pitt's Act. Is not the "Cambridge History" open to the charges of *suppressio Veri* and *suggestio falsi* when it tells us : "In 1784 Pitt's India Act was passed. Section 39 of this act directs that the conditions governing the collection of land revenue shall be *forthwith* enquired into and fully investigated, and that "permanent rules for the future regulation of the payments and services due from Rajas, Zemindars, and other native landholders" will be established. Thus the opinion, of which Francis was the leading advocate, that the Zemindar was a land-owner was adopted by the act, and the permanent rules, which Lord Cornwallis was sent out to put into effect, were to the great misfortune of the Bengal cultivators, founded on that assumption". "Before

the details of the act could reach India, Hastings had resigned his charge'' (C. H. I., V-430). Comparing this version of the Cambridge Historian with what we have quoted above from the Company's ''Analysis of Laws and Regulations'' (50)—''To settle and establish according to the laws and constitution of India''—we are bound to say that the ''Cambridge History'' for reasons best known to themselves, present a very garbled account of Pitt's India Act, by substituting ''rajas'' for ''the Ryots'', as given in the Company's ''Analysis of Laws and Regulations.'' Burke, as we pointed out before, said in 1786, ''The very condition upon which he (Hastings) received power in India was to protect the people in their laws and known rights,'' when he impeached Hastings. It is clear then as day-light, that by Pitt's India Act also the Company, in all that they did regarding the settlement of the land-revenue, were bound to proceed ''according to the laws and constitution of India'', in other words, according to the Ayeen Akbary. And Pitt's India Act, we repeat, has never been repealed! It has rather been confirmed by the Queen's proclamation of 1858, and the royal procla-

mation of 1919. It follows then that all settlements of land-revenue in India not made "according to the Laws and Constitution of India," or the Ayeen Akbary are illegal, and should be set aside as being a violation of "the plighted word of the British Parliament." It has been said, "The plighted word of the British Parliament is as sacred an act as is known to humanity". Amen. On "the laws and constitution of India" as laid down in Pitt's India Act, the Indian peasantry to-day take their stand, as on an inviolable Magna Carta, and claim for themselves the allodial proprietorship of their lands, and declare deliberately that anything said, or written or done by the Governors-General of India to this day, contrary to "the laws and constitution of India" is high treason.

CHAPTER VI

"THE LAWS AND CONSTITUTION OF INDIA" AS LAID DOWN BY PITT'S INDIA ACT

What is meant by the expression "laws and constitution of India" in Pitt's India Act of 1784? How did Lord Cornwallis himself interpret the expression? Lord Cornwallis himself understood by the expression "laws and constitution of India" the "ancient law of the country," for in the Preamble to Regulation 19 of 1793 he appeals for his authority to "the ancient law of the country" as intended by the expression "laws and constitution of India" in Pitt's Act. Lord Curzon too, in his Land Revenue Policy of 1905, understood by the expression "laws and constitution of India" "the Ancient law of the country" to which he too appeals for his authority.

Having stated as one of the principal objects of the 39th section of Pitt's India Act to "settle and establish" the land revenue "to be paid to the Com-

pany by the ryots, Zemindars'' etc. (50) according to the ''laws and constitution of India'', the Company's ''Analysis'' proceeds : ''Accordingly the Governor-General-in-Council orders the Board of Revenue to ascertain the rights and privileges of Zemindars, etc.''—throwing ''the Ryots'' completely overboard, for they were peaceful and voiceless then as now,—''the rights and privileges of Zemindars, etc. under the constitution and customs of the Mahommedan and Hindu Governments, and what were the tributes which they were bound to render or perform to the Sovereign power''. The ''Analysis'' adds :—''It is our intention as soon as sufficient materials and information shall have been obtained, to settle a permanent revenue with each Zemindar for a long term of years''. Why not a ''permanent revenue'' with each ''ryot'' also, when Pitt's Act gives the first place to ''the Ryots''? Ah! That would not be to the interest of merchant company! Indeed was not the Text of Pitt's Act tampered with; for we find that the ''ryots, Zemindars etc.'' in the text of Pitt's Act as given in the Company's ''Analysis'' (50), has been changed into ''Rajas, Zemindars'' in Field (487),

which we find also confirmed by the "Cambridge History of India" (V-430). Who would care to make an enquiry where the peaceful, voiceless Ryots alone are concerned!

The "Analysis" goes on, leaving the "Ryots" who are given the first place in Pitt's Act altogether out of consideration :—"We direct, however, that you keep this object constantly in view ; and as preparatory to it, you ascertain as correctly as the nature of the subject will admit, what were the real jurisdictions, rights, and privileges of Zemindars, talukdars, etc., under the constitution of the Mahommedan and Hindu Governments, and what were the tributes, etc. which they were to render or perform to the Sovereign power" (II, 48-50). The name of the "Ryots" who in section 39 of Pitt's Act, on the admission of the Company's own Government, has the first place, is thus quietly left out without any notice—for he was voiceless, and peaceful then as he is now! But the expression "laws and constitution of India" in Pitt's Act stands and could not be ignored. "The laws and constitution of India" surely are not what the company's servants, ignorant of the customs, and

even of the language of the people, could ascertain at a glance by enquiry on the spot, though it may be quite true that "there are tongues in trees, and sermons in stones" ! And it was a time of revolution when, the company themselves admit, "Every man administered Justice, who had the power of compelling others to submit to his decisions." Surely the expression "laws and constitution of India" means the written or codified laws,—such as the Ayeen Akbary, or the Hindu Samhitas ; and both Cornwallis and Curzon understood by that expression "the ancient laws of the country". Of all Englishmen in India at the time, Hastings, who by his long stay in India, from 1750 to 1784, a period of 34 years, knew the people and their customs, best ; and he had himself said that the Ayeen Akbary "Comprehends the original constitution of the Mogul Empire". That was of course before he was blinded by self-interest, and the interest of the merchant Company. The Ayeen Akbary, in its turn, testifies what "the laws and constitution of India" was in Hindu times, so far as the system of land-revenue is concerned, when it tells us that the "monarchs of Hindustan exacted the

sixth of the produce of the lands'' (p. 238). The Ayeen Akbary should have been enough for any *bona fide* enquiry for ''ascertaining the laws and constitution of India'', ''as correctly as the nature of the subject will admit'' (A. L. R. 50). But a merchant company with whom the revenue was the first object of government, were not likely to be in the mood to follow conscientiously the meaning of Pitt's Act! An eminent Oriental Scholar, Sir William Jones, and after him H. Colebrooke was then in India. If the Company had any *bona fide* doubts as to what was meant, they would be the persons to refer to. Far from it. An honest enquiry about the ''laws and constitution'' of Muslim or Hindu India, was not to their purpose. The Company writhed and wriggled eel-like, under the pressure of section 39 of Pitt's Act, in order to escape from the plain meaning of the text; they fretted and fumed, knowing full well in their heart of hearts, that ''the laws and constitution of India'' did not sanction their system of farming out the land-revenue to the highest bidder by public auction. They knew that by the laws and constitution of India, the Company were not justified in demand-

ing ready money in place of the time-honoured share of the actual produce, or farm out lands to sharkish speculators, without themselves being bound to discharge certain very onerous duties in return for the land-tax. The Company as sovereign, were entitled, under "the laws and constitution of India", to a share of the actual crop when the ryot chose to take a crop, but not if he left it fallow for recuperation or for pasturage. It was also optional with the peasantry to pay that land-tax in kind, or in cash as it suited their own interests. Nor was it rent that the 'ryots' paid, for land that was not theirs but the sovereign's property, but only tribute or tax which the Hindus called *Vali* from the days of the Rigveda, and the Muslims called *Kheraj,* for land of which they were themselves the allodial proprietors. Lord Cornwallis, blinded by self-interest and the interest of his employers, the Company, grossly misrepresents "the ancient law of the country" in the Preamble to Regulation XIX of 1793, when he says : "By the ancient law of the country the ruling power is entitled to a certain proportion of the produce of every bigah of land (demandable in money or in kind according to

local custom), unless it transfers its right thereto for a term or in perpetuity'' etc. That was a most palpable misrepresentation, of the ancient law of the country, made in order to serve the purposes of the merchant Company, intentional or not, we leave our readers to judge. The Hindu law, as given by Jaimini, is thus presented to the public in substance by Colebrooke, in his Miscellaneous Essays (P. 320-321): ''The earth is not the King's but is common to all beings enjoying the fruit of their own labour. It belongs, says Jaimini, ''to all alike''. (see ''Peasant-Proprietorship in India'', section V). The Ayeen Akbary too says: ''If any one does not cultivate Khirajiland, but keeps it for pasturage, let there be taken yearly from a buffalo 6 dams (6 farthings) and from an ox 3 dams'' (3 farthings) (P. 264-5). Again ''the husbandman has his choice to pay the revenue either in ready money, or by Kankout (appraisement) or by Behawely (actual weighment) of the produce'' (262). ''Let him (the Collector of Revenues) not be covetous of receiving money only, but likewise take grain'' (262). In return for this *Kheraj* or *Vali,* both the Muslim and the Hindu Kings were bound to per-

form very onerous duties, for example, to supply free pasture for the plough-cattle, to protect the crops from floods and droughts, and theft, and to settle all disputes free of any cost'' on the part of the peasantry (Peasant-Proprietorship, section IX).

What staggers us, however, is the fact that Lord Cornwallis, who seems so particular about ''ascertaining the rights and privileges of Zemindars and Talukdars'' has not a word to say about ascertaining the rights and privileges of the ''Ryots,'' though in section 39 of Pitt's Act as given in the Company's ''Analysis of Laws and Regulations'' (1814), the ''Ryot'' is given the first place among ''Native landholders,''—as it were only to pave the way for the removal of the name of the Ryot from Section 39 altogether. What staggers us still more is to find the name 'Ryot' disappear altogether from the Company's Records, the name ''Rajas'' taking its place in Fields' ''Land-holding'' (487), and in the ''Cambridge History''. Not only did Lord Cornwallis try to mislead the authorities at home by his misrepresentations of ''the ancient law of the country'', but more unpardonable still, while ''the Governor-General and

council orders the Board of Revenue to ascertain the rights and privileges of Zemindars and Talukdars, the noble lord not only completely ignores "the Ryots" to whom section 39 of Pitt's Act gives the first place as "native land-holders", but he does quite the contrary in regard to "the rights and privileges" of the Ryots! Instead of ascertaining them "as correctly as the nature of the subject will admit", he closes the door, for all time to come, for any honest enquiry regarding the rights and privileges of the ryots, by causing a wholesale destruction of all the records of the Ryots' rights that then existed, by abolishing in 1799, almost in the nick of time, the offices of Kanungos and Patwaris,—thus in one breath both calling for and destroying evidence. The Board of Revenue is even ordered to take no notice of section 39 of Pitt's Act till sufficient materials shall have been obtained, when the only authentic source of materials regarding the rights and privileges of the Ryots had been destroyed. The Board might wait till doomsday; no such materials in favour of the Ryots' rights and privileges would be forthcoming. Who were the Kanungos and Patwaris? The Ayeen

Akbary tells us :—(1) "The Patwari is employed on the part of the husbandman to keep an account of his receipts and disbursements, and no village is without one of these" (247). (2) "The Kanongoo is the protector of the husbandmen, and there is one in every Purganah. Those officers are paid by Government according to their rank" (A. A. 247). Justice Field in his "Land-holding" says : "The demands made by the Zemindars were exorbitant, and utterly ignored all rights of any kind in the raiyats. The Zemindars had been by the legislation of 1799 placed in a position to enforce their claims, if not willingly acceded to. In the offices of the Kanongos and Patwaris there had existed vast mass of useful information. Of the extreme value of this information to enable Courts of Justice to decide upon all the material questions raised between the Zemindars and the Raiyats, there can be no possible doubt. Yet Lord Cornwallis by way of reform abolished the Kanongos and Patwaris, and did away with their offices ; and with them disappeared the only written evidence of the rights of the cultivators of the soil" (591 to 592).

Adds Field, in his foot-note to p. 433 : "In Ak-

bar's time, and long after, the rents were paid in kind. In order to preserve the accounts necessary to Todarmal's system, the office of Kanungos was created; and in the custody of this officer all the records of the public accounts were kept. The Patwari kept similar accounts of the village, and forwarded annual returns to the Kanungos."

CHAPTER VII

THE AFTERMATH OF PITT'S INDIA ACT

Cornwallis, like Hastings, also "received power in India to protect the people in their laws and known rights", as Burke put it (II-5). Sect. 39 of Pitt's India Act of 1784 bound down Cornwallis, more explicitly than even Warren Hastings, "to settle and establish according to the laws and Constitution of India the permanent rules by which their tributes, etc., shall be paid to the Company by the Ryots, Zemindars, etc., and other native land-holders" (Company's "Elementary analysis of the Laws and Regulations," II-50). Hastings indeed was guilty of "substituting his own arbitrary will" in place of Lord North's Regulating Act of 1773, when he asked for, and obtained from the Directors, "Orders for the land revenue to be settled annually" (C. H. I., V-426) by public auction of the land to the highest bidder, after the example, as one might say, of the

Roman soldiery who sold the Roman Empire in her decrepitude to the highest bidder. It was in 1778 that Hastings, ignoring the fact that both under the Hindu and Muslim rulers the ryots were the allodial proprietors of their lands, and blinded by the interests of the Company, assumed, without one title of evidence, that the land in India, like the land in England after the Norman conquest, was *terra regis,* and that "the sovereign possessed the land" (C. H. I., V-424). Lord Cornwallis, on the other hand, after section 39 of Pitt's India Act of 1784 had explicitly given to "the Ryot" the first place among land-holders (A. L. R. II-50), and knowing full well from the Ayeen Akbary that the land in India could not be *terra regis,* that section 39 of Pitt's Act bound him down to proceed "according to the Laws and Constitution of India" (50), Cornwallis, without any *bona fide* enquiry about "the rights and privileges" of "the Ryots" or "the laws and constitution of India," or "the ancient law of the country", intentionally ignores, in spite of section 39, the fact that the Ryot was the land-holder of land-holders in India, and he does so only to make out, for the benefit of the Com-

pany, that the land in India also was *terra regis,* that in India too, "the sovereign possessed the land". A shrewd politician as he was, instead of directly assuming that "the sovereign possessed the land", he used the Zemindars or the Revenue "Collectors of the Royal or Jagir lands" (A. A. 257), as his cat's paw,—assuming, as the "Cambridge History" puts it, "that the Zemindar was a land-holder, to the great misfortune of the cultivators" (C. H. I., V-430). Did not Cornwallis too "substitute his own arbitrary will", we ask, in place of the plain meaning of section 39 of Pitt's India Act, following, like Hastings, the examples of "the gang of rebels" who, says Burke, "usurped the sovereign's rights" upon the dismemberment of the Mogul Empire? Did not Cornwallis ignore entirely, though surreptitiously, the rights of the ryots in spite of its recognition by section 39 of Pitt's Act? Lord Cornwallis had himself said, in his Regulation II of 1793: "The property in the soil was never before formally declared to be vested in the land-holders." Yet he took the order of the select Committee that the land revenue was to be settled "in every practicable instance with the

Zemindars'' (C. H. I., V-433)—though it was a despotic act done in violation of section 39 of Pitt's Act, for the Ayeen Akbary plainly tells us that the Zemindar is a mere ''collector of the royal or jagir lands,'' and the glossary to the fifth report of the East India Company tells us that the Zemindar is ''an officer under the Mogul Government''. It is to be said to the credit of Warren Hastings, that no sooner did he realise that section 39 of Pitt's Act of 1784 bound him down to recognise the ''ryots'' as ''native landholders'', leaving no room for any *terra regis* in the people's lands, and that he must act according to ''the laws and constitution of India,'' he saw clearly that there was no field for his arbitrary policy of the spoliation of the peasantry of India, and he quietly returned to England in 1785, to be soon after impeached for ''high crimes and misdemeanours'' in his government of India. But he only made room for a shrewder and more daring politician. And we find Lord Cornwallis speak with ill-disguised contempt of Pitt's India Act of 1784—''the plighted word of the British Parliament''—thus : ''The idea of a reform seems to be founded on the 39th clause of

the last Regulating Act of Parliament, referring the determination of the rights of the Zemindars, etc.," (Is not the "Ryots" of clause 39 of Pitt's Act here omitted with a definite purpose?) "to the laws and constitution of India, from which it is supposed that there have been considerable deviations in the practical rules or forms of the Company's administration since the acquisition of the Dewani, as set forth in the pretended grievances of the landholders, and now required to be redressed according to the established custom or civil institution of the Mogul Empire" ("Elementary Analysis of Laws and Regulations" of the Company, of 1813-14-II, 262). Why is the name of the "Ryots", to whom, on the admission of the Company themselves, section 39 of Pitt's Act gives the first place among landholders, omitted here? Does not that open the way for the substitution of the word "Rajas" later on, as we find in Field's 'Landholding' (p. 487), and the "Cambridge History" (V. 430)? Notice the ill-disguised contempt for section 39 of Pitt's Act, when they speak of the "supposed deviations" and "pretended grievances of the landholders". Does not Lord Cornwallis

treat "the plighted word of the British Parliament," section 39 of Pitt's India Act of 1784, as a mere "scrap of paper"? "Money", says the "Cambridge History", "was the chief object, and it could only be acquired by corrupt means" (C. H. I., V-467). Does it not show a recrudescence of that spirit of "rebellion", of that love of the usurpation of "the sovereign's rights", in Cornwallis, that characterised Hastings, for which Hastings paid so dearly by an impeachment lasting for nine long years? Lord Cornwallis, instead of following section 39 and establishing the rights of "the Ryots" according to "the laws and constitution of India", goes on to "settle a permanent revenue with each Zemindar for a long term of years" (50), which really amounts to a surreptitious confiscation of the land of "the Ryots". He even ordered the Board of Revenue not to take any notice of section 39 "till sufficient materials shall have been obtained"; which could never be attained after Lord Cornwallis had abolished the offices of Kanungos and Patwaris who were the lawful custodians of all the materials and informations, regarding the rights of "the Ryots", then in existence.

It is needless to go into the details. The upshot of it all was the perversion of the plain meaning of Section 39 of Pitt's Act by leaving 'the Ryots' mention in that section entirely out of consideration, till later on we even find the name of 'The Ryot' removed altogether from that section, and "the Rajas,—Zemindars" substituted in its place (Field, p. 487). And we find that, in reply to the Governor-General's letter of 7th April 1786, the Court of Directors issued orders "for the formation of a permanent settlement of the revenue"—"to form the settlement with the Zemindars and farmers" (51), "the Collectors" being made "Collector, Judge and Magistrate" (53)—whereas the Zemindars are really "the Collectors" of the Muhammadan Government, and not land-owners at all,—the rights of "the ryots" as "native landholders" being thus completely ignored. Even this perversion of section 39 is said to have been done "in conformity with that Act" (48). Again the orders of the Court of Directors were for the permanent settlement of the revenue only, but Lord Cornwallis tagged on the 'land' of the Ryots to it, though Lord Cornwallis himself says in Regulation

II of 1793 : "The Property in the soil was never before formally declared to be vested in the landholders". Thus did Cornwallis, with one stroke of his pen perverting section 39 of Pitt's Act, reduce the vast mass of Ryots, to whom Pitt's Act gives the first place among "native landholders" in Bengal, Behar, and Orissa, from their position of allodial proprietors from time immemorial, under "the laws and constitution of India", to that of mere tenants-at-will, or serfs, "handing them over in the gross to the tender mercies of a few cruel and rapacious Zemindars" (Briggs), and that too for all time to come, so as to kill the agriculture of India, to make famine chronic. And not in Bengal, Bihar and Orissa alone ; but all over India, the Zemindar came to be settled as a parasite on the Indian peasantry levying rents on them to this day, for which he rendered "no social or economic service" whatever.

Yes, all over India wherever the Zemindary system prevails ! The "Cambridge History of India" observes with great truth : "In 1786, Bengal contained all the pieces that were to form the administrative mosaic of British India" (V-440). Mr. Munro,

who had charge of the Revenue administration of Canara in South India, was confirmed in the belief that the Ryotwari system (i. e. the ryot being his own landholder), as Pitt's Act of 1784 contemplated, was the indigenous system of South India (470); but "he was alarmed by the pressure from above for increased revenue" (473). "The Madras Government wished to move slowly, but in 1798 the Governor-General, Lord Wellesley, ordered the Madras Government to introduce the Bengal system without delay" (473). "But there were no Zemindars in the greater part of the territories then included in the Presidency of Madras" (473). "To meet the difficulty, caused by the non-existence of Zemindars, the Board proposed the simple experiment of grouping villages to form estates of convenient size, and selling them by auction to the highest bidder" (473)—thus the Company's Government, in their mad rage for exercising despotic power, to secure increased revenue, created these landlord parasites where they never existed before—throwing Pitt's Act completely overboard! "But hardly had the ten-year leases begun to run, when the affairs of the Madras Presi-

dency were reviewed in the fifth report of the Select Committee of the House of Commons : "the Committee was impressed by the doctrine and achievements of Munro and his school. They doubted the wisdom of forcing Zemindars in districts where no Zemindars were found. The Report was thus decisively in favour of the ryotwari system" (478). But alas! the ryotwari system approved by the British Government is not the "Peasant-Proprietorship in India" we are standing for, as contemplated in section 39 of Pitt's India Act of 1784. It has rightly been said, we repeat : Where money is the chief consideration, "it can only be acquired by corrupt means" (C. H. I., V-467). It was Hastings who first promulgated in India the idea that "the sovereign possessed the land" (C. H. I., V-424), though, after his perusal of the Ayeen Akbary, which, he said in 1783, "comprehends the original Constitution of the Mogul Empire", he must have known that it was not so in India. But "the wish is father to the thought." The successors of Hastings, to this day, lack the boldness to go back honestly to "the laws and constitution of India", as contemplated in section 39 of Pitt's

India Act. The fatal result is that the vicious assumption of Hastings underlies all the systems of land-tenure that prevail in British India to-day, whether Zemindary or Ryotwari. The great mass of our Indian peasantry are denied the allodial proprietorship of their lands, as laid down by section 39 of Pitt's Act, first by setting up as a scape-goat over them the Zemindar, tentatively as proprietor, as under the Zemindary system of Bengal which, without the safeguard of a statute of Quia Emptores, has led to a most ruinous and complicated system of subinfeudation in Bengal; then the Zemindar ladder is kicked off in what are called ryotwari settlements, and the Government steps into the shoes of the Zemindar, throwing off their mask, and asserting, what Hastings so much coveted for the Company, the proprietory right, as the ruling power, over the lands of "the ryot"—the onerous duties, which the ruling power was bound to discharge in return for the land-tax, such as providing free pastures for the plough-cattle, protecting crops from floods, droughts, and theft, and settling disputes free of cost for the people, being completely wiped off their slate, only

to open the flood-gates of chronic famine in India for time without end,—in India which, Megasthenes testifies, "famine never visited". In the course of this evolution, devolution rather, the Zemindar of Bengal only played the role of a scape-goat, to deprive the people of British India,—Madras, Bombay or elsewhere,—of their allodial ownership of their lands, with the inherent right of paying the land-tax, *Vali or Kheraj* (never rent) in the form of a proportion of the actual produce, if they chose to, so as to compel the ruling power to take an equal interest, in the maintenance of the fertility of the soil, with the peasantry themselves. Are not, we ask in the words of Burke, are not the successors of Hastings as much guilty of "Substituting their own arbitrary will in place of Acts of Parliament" (II-5)? As Hastings, in the eye of the House of Commons, deserved to be impeached for trifling with Lord North's Regulating Act of 1773, have not, we ask, his successors also deserved to be impeached by the House of Commons for their trifling with both Lord North's Regulating Act and Pitt's India Act of 1784? But alas! the English sky had changed completely, by the time Burke's

impeachment was closed, and the thanks of the House of Commons to the managers of the Impeachment voted in 1794. The French Revolution broke out, convulsing and changing the whole face of Europe, absorbing the whole attention of Burke, and other large-hearted leaders of thought in England, so that the East India Company's Agents could pursue with impunity, and without any impediment, their treasonous policy of "substituting their own arbitrary will in place of Acts of Parliament", trampling under foot the provisions of section 39 of Pitt's Act, surreptitiously confiscating the lands of the food-producing "Ryot landholders" of Pitt's Act, and making famine chronic in India, brazen-facedly asserting in their own defence that "Letting the lands in farm is in every respect the most eligible" (A. L. R. II-14), and that "A Government like that of the Company cannot enter into the details and minutiæ of the collections,"—thus shoving Pitt's Act out of their way altogether. Have we not proved to the hilt, in our "Peasant-Proprietorship in India", that by "the ancient law of the country," or under the "laws and constitution of India" (section 39 of Pitt's Act)

the peasantry are the allodial proprietors of their own land? Anything done in India, in violation thereof, is high treason ; it is trifling with "the plighted word of the British Parliament," and open to the charge of "high crimes and misdemeanours", which charge the House of Commons brought against Hastings, and tried him for it for nine long years, 1786 to 1794, acquitting him in form "only, because he was a "ruined man", though his guilt was proved. Alas! the race of Burkes, Foxes and Sheridans is extinct in England to-day!

CHAPTER VIII

NO PRECEDENT FOR LANDLORDISM IN INDIA

BY THE CONFISCATION OF THE RYOTS' LANDS NOT EVEN AMONG "THE GANG OF REBELS" WHOM HASTINGS IS SAID TO HAVE MADE "THE OBJECTS OF HIS IMITATION"

The spoliation and confiscation of the Ryots' lands, like "the mortal taste of the fruit of a forbidden tree", has brought, over all British India, chronic famine for all time to come. Dr. Voelcker, consulting chemist to the Royal "Agricultural Society of England", who came to India on commission in 1893, in his report on the improvement of Indian agriculture, has pointed out the results of the Company's reckless confiscations of the Ryots' lands as :—(1) "growing decrease in the area of grazing land", and the consequent deterioration of the Ryots' plough-cattle ; (2) "declining fertility for want of soil-recuperation, the average yield of wheat in India from this

cause being only one-third of what it is in England. Will it be asked, whether or not Hastings and his successors had a precedent for their blood-curdling confiscation of "the ryot landholders' " lands?—yes "the Ryot landholders," as they are called in section 39 of Pitt's Act, though the name 'Ryot' in that section was afterwards tampered with, and changed into 'Rajas' (Field, 487). Burke, on behalf of the House of Commons, publicly accused Hastings of "a rebellion which arose from his abominable tyranny, from his lust of arbitrary power, and from his determination to follow the examples of Shujah Dowla, Aliverdi Khan, and all the gang of rebels who are the objects of his imitation" (II-17). What was Hastings's defence? "The people (of India) have no laws, no rights, no property; they are nothing but a herd of slaves to be governed by the arbitrary will of a master" (II-4). And yet had not Hastings himself in 1783 written of the Ayeen Akbary: "It comprehends the original constitution of the Mogul Empire"? As regards the confiscation of the peasants' lands, Hastings's successors to this day, have only been following Hastings's lead. The wish,

as we have said, is too often the father to the thought. "The rural economy of India was based chiefly on a system of village communities of land-owners, or what in Europe is known as peasant-proprietorship" says Rhys Davids in the "Cambridge History" (1-198). But the mouths of the Company's agents watered to see the land of India become converted into *terra regis,* like that of England after the Norman Conquest. Lord Cornwallis, displaying the same brazen-faced "lust of arbitrary power" as Warren Hastings, in spite of section 39 of Pitt's Act, declares : "The President in Council would adopt such regulations, and pursue such measures, as should ensure to the Company every possible advantage" (A. L. R. II-11). "The revenue is beyond all question the first object of Government" (22). Certainly, that is not the position for any true sovereign to take. "Free the Ryots from oppression" was only a ruse with them, for the Company themselves were the real oppressors. Throwing section 39 of Pitt's Act to the winds, the Committee of Revenue write to the Governor-General on 29th March 1781 : "Leave the lands with the Zemindars, making the settlement with

them", "as being the best for the Ryots and the country" (A. L. R. II-41); and that too without even the safeguard of a statute of Quia Emptores, as in England, to prevent reckless and endless sub-infeudation as in Bengal to-day. The Court of Directors, equally recklessly, order in 1786, ostensibly in conformity with the statute 24 Geo. III, chap. 25, but really in violation thereof, and without any safeguard against the evils of endless subinfeudation; and, in defiance of the evidence that was already before them, they order "the formation of a permanent settlement of the revenues" (A. L. R. II-48) with the Zemindars, whom Lord Cornwallis, without the least shadow of evidence, dubs as "the actual proprietors of land", though in truth a Zemindar in the Mogul Empire was merely "a Collector of the royal or jagir lands" (A. A. 257), or merely "an officer under the Muhammadan Government" (Glossary, 5th Rep. E. I. C.). He was but following Hastings's lead when he said, "I found this Government in possession of a great and rich dominion without one rule of Government" (C. H. I., V-208), as if India never existed before the Company came to rule over her,

as if she had risen from the ocean-bed only yesterday. Hastings or Cornwallis, they were all one. "The nazims exacted" said Cornwallis, "what they could from the Zemindars and Great farmers of the revenue, whom they left at liberty to plunder all below." Yet notice, these farmers were mere farmers of the revenue under the Nazims, but not farmers of the land. The Company admit "The assessment of Todermal is supposed to have been formed about the year 1582". They even admit: "The only general and regular assessment of revenue in Bengal was that which was formed in the reign of Akbar (1556 to 1605). The whole of the lands were then valued, and the rents of each inhabitant and of each village ascertained" etc. "From the reign of Akbar till the Government of Jaffur Cawn (1713-1726), the annual amount of revenue, and the modes of levying it so established, were preserved with little variation" (A. L. R. II-59); in other words there was "little variation", which means there were no "farmers of the revenue" even 20 years before the Company's accession to the Dewani. What precedent, then, was possible for Cornwallis "to let the

lands in farm'' annually or permanently, by putting up the lands at ''public auction'' (A. L. R. II-18)? Evidently Lord Cornwallis was quite familiar with the Ayeen Akbary, but he does not mention it by name, for it gave ''the original Constitution of the Mogul Empire'' which must have been bitter as wormwood to him, for section 39 of Pitt's India Act bound him down to it. Indeed the Company openly part company with the original constitution of the Mogul Empire, and with it section 39 of Pitt's India Act, when they say : ''But we must, upon the fullest consideration, disapprove entirely of the Mogul principle of taxation, the division of the actual produce between the sovereign and the immediate cultivator of the soil, which, under various modifications, has continued to be the basis of practice unto the present time'' (A. L. R. II-270 to 271). Ay, ''we must disapprove'', though that practically amounts to the Company's disapproval of ''the laws and constitution of India'' meaning ''the ancient law of the country'', Hindu or Mogul, though that amounts practically to the Company's disapproval of section 39 of Pitt's Act, though that amounts to throwing

to the winds "the plighted word of the British Parliament", though the Company laid themselves open thereby to the charge of "high crimes and misdemeanours". The Company knew that the heroic race of Burkes, Foxes and Sheridans and Pitts, had become extinct in England, and that a race of calculating shopkeepers, and money-grabbing time-servers had taken their place, so that they could do anything, to the Indian peasantry, with impunity. "The division of the actual produce between the sovereign and the immediate cultivator of the soil" was the glory, the special beauty, of the system of landholding in India, the amulet she wore on her person, as an infallible preventive of famine, as it made the sovereign and the cultivator equally interested in the success of agriculture—for example, in maintaining the fertility of the soil, and the health and strength of the plough-cattle, by the provision of free pastures. It was the one safeguard against famine, so that Megasthenes could testify that "famine never visited India". Says the Ayeen Akbary : "Let him (the Revenue Collector) not be covetous of receiving money only, but likewise take

grains'' (262). In a country that even to-day suffers oftener from money-famine than from food-famine, what untold sufferings must have been caused in those days by this unlawful decision of the Company,—unlawful because it was a direct violation of ''the laws and constitution of India'' established from time immemorial, and laid down by Pitt's Act,—we leave it to our readers to imagine. By ''the Mogul principle of taxation, the division of the actual produce'' which the Company's ''Analysis of Laws and Regulations'' itself testifies ''has continued to be the basis of practice unto the present time'' (II-271), the sovereign's share of the actual produce was realised on the spot, either by the measurement of the field (Behawley or Battai) or from an estimate of the crops called Kan-Koot, (A. 'A. 262)—so that the miscalled rent-suits, which to-day ruin our peasantry, while they provide a fifth of the Government revenue from the sale of stamps and court fees, and provide a feeding ground for shoals of our so-called educated classes, as lawyers and touts, had no existence before. The cat would have the fish, but will not wade to catch them. To effect their unlawful purpose, the Com-

pany laid down the following most blood-curdling "General Principle" for the collection of the Land Revenue :—"Proprietors of land are not liable to be confined for arrears of the public revenue unless the whole of their lands should have been sold, and the proceeds of the sale have proved insufficient to make good the arrear due from them, or unless their lands shall have been put up for sale, and no person have offered to purchase them. In such cases, if it appear just and expedient to enforce payment of the arrears demandable, not only any personal property, which the defaulter may possess, is liable to be sold in satisfaction of the balance due from him, but he is also subject to personal arrest and imprisonment" (A. L. R. II-371). "This want of punctuality was ascribable in some instances to the insufficiency of the powers vested in the landholders and farmers to enforce payment of the rents due to them from their tenants ; and rules were accordingly passed to afford them the means of realising their rents with greater promptitude and facility." The readers can imagine what those rules would be. The Company had the strength of a giant, and they meant to use it like a

giant, against the peasant pigmy, lawfully or not, who was there to say 'no'. We accordingly find Regulation 17 of 1793 providing: "Zemindars and farmers of land are empowered to distrain, without sending notice to any court of justice or any public officer, the crops etc., and all other personal property, whether found in the house or on the premises of any other person, for arrears of rent, and to cause the said property to be sold for the discharge of such arrears" (Reg. XVII of 1793). This power of distraint and sale, the Zemindars were authorised to transfer to their meanest agents. "The Zemindars, etc., empowered to distrain, are authorised to delegate to their naibs, gomasthas and other agents employed in the collection of their rents the power of distraining, in their behalf" (Reg. VIII of 1799). "Even apartments appropriated to women" and the "Zenana apartments" may be forced open "and entered, and the immediate arrest of the defaulter caused" without reference to a court of justice. (See Sect. X abd. XV of Reg. XII of 1799). There is no parallel for such blood-curdling oppression of "the Ryot" in the "laws and constitution of India", in

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Hindu or in Muslim times. It was the direct result of the Company trifling with, and throwing to the winds, the plain meaning of section 39 of Pitt's Act, and refusing to be satisfied with "the Mogul principle of taxation, the division of the produce between the sovereign and the immediate cultivator of the soil, which, under various modifications, had continued to be the basis of practice unto the present time" (A. L. R. II-271), and had from time immemorial saved India from famine. What need the merchant care about precedent? "The rent of land," they knew, "through whatever channel it passed into the public treasury, is paid by the Ryot, or immediate cultivator of the soil" (A. L. R. II-61). But what recked they? The Company's goal was exploitation and money-making: administration with them was only a means to that end. "The revenue" with them "is beyond all question the first object of Government" (A. L. R. II-22). For the sake of a maximum of revenue they are bound to throw to the dogs "the Mogul principle of taxation, the division of the actual produce", with or without precedent, section 39 of Pitt's Act notwithstanding.

Burke, as we said before, exposed before the British public, Hastings' "determination to follow the examples of Shuja Dowla, Aliverdi Khan, and all the gang of rebels who are the objects of his imitation" (II-17). Had Lord Cornwallis, or his successors any precedent, we ask, for what they did even in the acts of "the gang of rebels" who "usurped sovereignty" "on the dissolution of the Mogul Empire"? Says the Company's Analysis of the Laws and Regulations (II) :—From the reign of Akbar till the Government of Jaffur Cawn (1713-1726)—better known in History as Murshid Cooly Khan—"the annual amount of revenue, and the modes of levying it so established, were preserved with little variation." It means that about forty years before the Company became Dewan, there was "little variation". Jaffur Cawn and his successors appear first to have broken through this system by introducing the practice of imposing new assessments on the country. Aliverdi Khan added to these taxes, and they have been largely increased since the revolution which took place after his death" (59) which took place in 1756. And this Aliverdi Khan is one of that

"gang of rebels" whom Hastings, says Burke, made one of "the objects of his imitation", "when he substituted his own arbitrary will in place of Acts of Parliament." The successors of Hastings only followed in the foot-steps of Hastings. Even for that brief period of forty years of revolution and lawlessness that succeeded the dissolution of the Mogul Empire, no one even among the "rebel" nawabs farmed out the land of the country by public auction, tentatively temporary and finally permanent, like the Company, but only farmed out the revenue due to the Government, and not the land of the people, as an emergency measure, and at times only, and for a very short period. Even the Company admit in their "Analysis of the Laws and Regulations" that Moorshid Cooly Khan "ordered the Zemindars into close confinement", and "when he had thus entirely dispossessed the Zemindars from the management of the collections, his *aumils* (collectors) and their officers made actual measurement of all the lands in cultivation. His *aumils* collected the produce of every harvest immediately from the husbandmen" (A. L. R. II-352). Stewart, in his history of Bengal, with

greater impartiality, says: "Moorshid Cooly Khan continued to make the collections through his *Aumils* (collectors) by displacing the Zemindars". "He caused a considerable proportion of fallow and waste ground to be brought into cultivation, for which purpose the collectors were authorised to make advances of money to the lower order of husbandmen, to purchase stock",—"making advances" to the husbandmen, and collecting the produce. A merchant company, whose sole object was exploitation, for increase of revenue, and not administration, could they ever dream of doing so? How different then the methods of even these rebel Nawabs from the surreptitious confiscation by the Company of the lands of the Ryot, though section 39 of Pitt's Act, in conformity with the "ancient law of the country", give "the Ryots" the first place as "native landholders"! The Company even threw blame upon Nawab Cassim Ali, better known as Mir Cassim, who died just the year before the Company's accession to the Dewani, because he would not allow, like the Company, parasitic middlemen to suck the blood of the peasantry. "He reduced the stipends of

intermediate agency ; and attempted to abolish every gradation of subjects between the Government and cultivator, as far as he could" (A. L. R. II-265). A very unpardonable offence indeed, was it not?—that of depriving the Company of the chance of having a precedent, even the year (1764) before they became Dewan, for them to sell the land of the peasantry to the highest bidder, by public auction, and settling the land with parasitic middlemen. Mir Cassim's offence was that after the expiry of a short-timed farming lease of the revenue, as an emergency measure, he tried to go back to the Ayeen Akbary, which means to follow "the laws and constitution of India" as laid down in sect. 39 of Pitt's India Act. That would indeed be bitter as wormwood to the revenue-grabbing East India Company.

We should note here that the Company in their "Analysis of Laws and Regulations" make capital of the brutal treatment of a handful of these Zemindar farmers, by some agents of Moorshid Cooly Khan—such as ducking them in cesspools, called "Biekoont" or paradise, and subjecting them to other brutalities for the realisation of the arrears.

"Brother, seeest thou the mote that is in another's eye, but seeest not the beam that is in thine own?" Atrocious as that was, what was that for a time of revolution, and in connection with an emergency measure, when compared with the wholesale butchery of the peasantry of India for all time to come under the so-called Permanent Settlement with Zemindars, and the creation of Government estates? One word more about these temporary farmers called Zemindars. Stewart, in his History, speaks of these Zemindars as "Hindoo landholders". "When we obtained the Dewani" says Field, "we found all the Zemindars to be Hindoos though the Government was Mahomedan" (441-2). Is it not, on the very face of it, ridiculous to suppose that a Muhammadan Government would make these Zemindars or Hindu Landholders "the actual proprietors of land",—to the exclusion of the Muhammadan? It is even said "Murshid Cooly Khan employed none but Bengali Hindus in the Collection of the revenues" (A. L. R. II-353). "When he discovered that an *aumil* or Zemindar had dissipated the revenue and then, falling in balance, was unable to make good the defi-

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ciency, he compelled the offender, his wife, and children to turn Mahomedans'' (A. L. R., II-354). Such then were these Zemindar-speculators on the Government revenue, not land, whom Lord Cornwallis could dub without one title of evidence, as ''the actual Proprietors of land''. The reason why Murshid Cooly Khan, who was himself a Brahman child-convert to Islam, preferred Hindus as Zemindars is thus given by Field (441) : ''He used to say that a Mahomedan was a sieve, which retained nothing and that a Hindu was a sponge which might be squeezed at pleasure.'' Field too says : ''Murshid Cooly Khan, having put aside the Zemindars, and others who stood between the Government and the cultivators, managed the collection of the revenue entirely by his own officers'' (441). That also did Nawab Mir Cassim even in 1764,—the year before the Company became Dewan. Is it not clear as daylight, from a consideration of these facts, that even the ''rebel'' Nawabs, after the dissolution of the Mogul Empire, farmed out the Government *revenue* only, and not the *land,*—and compelled by the exigencies of their situation,—only for a short term, as

an emergency measure, so that there could be no precedent whatever in anything they did for the Company's settlement of the land of the people, instead of the revenue only, temporarily or permanently, and then, when the time became ripe, declaring the land of the peasantry to be Government property, thus completing the confiscation of the people's land, by kicking off the ladder Zemindar, and declaring the land *terra regis* in India, as in England after the Norman Conquest.

On the other hand, it should never be forgotten that even these "rebel" Nawabs, not only left the peasantry in the undisturbed possession of their lands, unlike the Company who, we read in the "Cambridge History", in the opinion of Mr. Munro himself, the Government Officer in charge, drive to the law Courts where justice may be said to be sold to the highest bidder, "the poor and illiterate cultivators, accustomed to acquiesce in oppression,—the men who could never seek, nor if they did seek, could they obtain, protection from the complicated and costly procedure of strange and distant Courts" (C. H. I., V-479), but even settled their disputes free

of cost. There was no precedent too, in the methods of procedure of even those "rebel" Nawabs, for those most blood-curdling Regulations that we have cited, XXII of 1793, and others of that like, that disgrace the statute book of the Company. There was no need for them, for the Government took their share of the actual produce, either through their own Collectors, or their temporary revenue farmers, either by actual measurement, or by weighment, or by appraisement as they chose; and there was an end! Where was there any ground for the distraint of the crops, for the sale of movable property, for breaking into the peasant's Zenana, or the imprisonment of the peasant's person, without any reference to a public officer, or to a court of justice—even the meanest agents of the Zemindars being vested with such authority against the peasantry for the non-payment of arrears.

Again it should never be forgotten that the "rebel" nawabs discharged, well enough for a time of revolution, those onerous duties to the peasantry which they were bound, from time immemorial, to discharge, in return for the usual land-tax in the form

of a proportion of the actual produce as due to the ruling power: (1) These "Rebel" Nawabs provided free pastures for the peasants' plough-cattle. (2) Murshid Cooly, as Stewart tells us, authorised the collectors "to make advances of money to the lower order of husbandmen to purchase stock" (370). (3) Murshid Cooly, says Stewart, "devoted two days in the week to the administration of Justice" free of cost for the peasantry (372). "Vakeels" paid by Murshid Cooly Khan, says Stewart, "were continually in search of complainants; and whenever they met with any person, who had reason to be dissatisfied, they used every endeavour to pacify him; but if it happened that a well-founded complaint reached the ears of Murshid Cooly, the offender was sure to suffer severely. If the officers, out of partiality or respect to rank, neglected to redress the meanest person, upon a representation thereof from the party aggrieved, the Nawab tried the case himself; and in his decisions showed neither favour nor affection to any one, the rich and the poor bearing equal value in his sight" (Stewart's History—409). (4) Even these "Rebel" Nawabs,—the blackest of them, Murshid

Cooly—did the very best they could in those revolutionary times to make famine impossible in the country, both by helping to increase the production of food-grain, and also by controlling foreign exportation. Field says of Murshid Cooly that "by supplying the Ryots with implements of husbandry and with advances of seed-grain, he increased cultivation" (441). Stewart, in his history, says that Murshid Cooly not only made "advances of money to the lower order of husbandmen to purchase stock" (370), but also "always provided against famine, and severely prohibited all monopolies of grain : he constantly made private enquiries concerning the market price of grain ; and, whenever he discovered any imposition, the offenders suffered the most exemplary punishments. If the importation of grain to the cities and towns fell short of what had been usual he sent officers into the country, who broke open the hoards of individuals, and compelled them to carry their grains to the public markets". The average price of rice to-day is Rs. 7, or 10 shillings a maund (80 lbs.). Stewart proceeds saying : "Rice was then commonly sold, at Moorshidabad at four maunds (or 320 lbs.),

for a rupee or (*16d.*) ; and the prices of other provisions were in proportions. He also strictly prohibited the exportation of grain ; and the Foujdar of Hugli had express orders to see that no ship belonging to Europeans or others, was suffered to carry away more than was sufficient for the victualizing of the crew, during their intended voyage ; neither were any merchants suffered to have any stores of grain'' (407). Does not this compare favourably with the corn-laws and anti-corn-law leagues of Old England (1815 to 1846)? Does this look like what, says the historian, followed ''the new rule'' of the Company ''when famine followed famine, and the Ganges was sometimes choked with corpses'' (Ransome, 369) ; or as Field has it : 'In 1770 there was a great famine which was said to have destroyed a third of the inhabitants of Bengal'' (470).

Now to conclude : We presume we have proved to the hilt that, so long as Pitt's India Act of 1784 stands unrepealed, Peasant-Proprietorship ''according to the laws and constitution of India'' or as the Governors-General interpreted that phrase, according to ''the ancient law of the country'', is the law of land-

holding for British India, and that anything done in India, not in accordance with the provisions of Pitt's Act, is a violation of the pledged word of the British Parliament of George III. We have proved to the hilt that there was no precedent whatsoever, for confiscating the land of the people, or converting a *farming of the revenue,* by a very small handful of "rebel" Nawabs for a short term, and as an emergency measure only, into *a farming of the land* tentatively temporary, and finally permanent,—no such precedent even among the gangs of "rebels" whom Hastings, as Burke has said, made "the objects of his imitation." It goes without saying also that there was no precedent for any blood-curdling Laws and Regulations, authorising even "Zemindar's agents", without reference to "a court of justice or even a public officer," to distrain the peasants' crops, to sell their movable property, to break into their Zenana, and arrest the persons of defaulters for non-payment of arrears of revenue. The British Government themselves in the United Kingdom realise no land-revenue from the peasantry ; on the contrary, they propose to help their peasantry, with long-term loans

free of interest; they stand for "the nationalisation of land in their country". Will they not now consider the case of "the Ryots", to whom Pitt's India Act gives the first place among "Native landholders", and maintain the dignity of the "plighted word of the British Parliament" of the days of George III? Will they not abolish all right of property in the land of the Ryots either on the part of the Zemindars or of the Government? We again draw the attention of the British Parliament of King George the Fifth to the tampering with the text of an Act of Parliament of George the Third (24 Geo. III, chap. 25, section 39), placing before them the following extract from "An elementary Analysis of the Laws and Regulations enacted by the Governor-General in Council (printed at the Honourable Company's Press 1814 and 1815)—(Vol. II, Page 50):—"One of the principal objects of the 39th section, of the Act passed in the year 1784, is to settle and establish, upon principles of moderation and justice, according to the laws and constitution of India, the permanent rules by which their tributes, rents, and services shall be in future rendered and paid, to the Company, by the

ryots, zemindars, polygars, talukdars and other native landholders" (II-50). "The Ryots" are given the first place as "native landholders" in Pitt's Act. But Lord Cornwallis, in all his Regulations, completely ignores 'the Ryot' as a "native landholder". The "Cambridge History of India," Vol. V, (p. 430) substitutes "Rajas, Zemindars and other native landholders". Field too in his "Landholding" (p.487) reads : "the rajas, zemindars, polygars and talukdars and other native landholders". Can there be any doubt that the text of section 39 of Pitt's Act was tampered with? We hope and pray that the whole question be sifted to the bottom, and section 39 of Pitt's India Act of 1784, brought into force all over India, abolishing Zemindars, and Government Estates in the peasants' lands, to save Agriculture in India, and protect the peasantry from chronic famine, and victimisation by usurers, for time without end.

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